THE HISTORY OF LIQUOR LICENSING IN ENGLAND PRINCIPALLY FROM 1700 TO 1830

BY

SIDNEY AND BEATRICE WEBB



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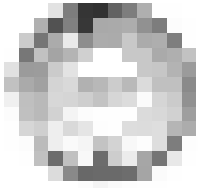
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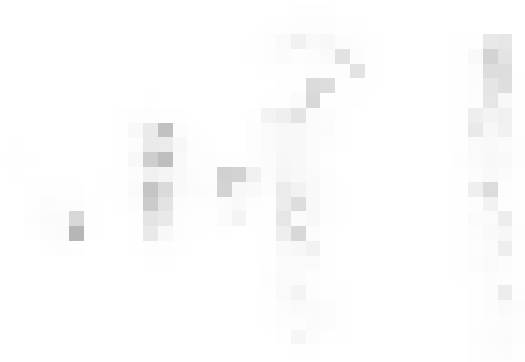
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PREFACE

It is needful to preface this little book with an explanation. Four years ago we began an elaborate investigation into English Local Government during the eighteenth and nineteenth centuries. Our task quickly divided itself into two parts. We had first to discover the structure of local government, to unravel and describe the exact constitution and working all over the country of the Open and Select Vestries, the Manorial Courts, the Commissioners of Sewers, the various kinds of statutory bodies established under special Acts, the County Justices in Petty and Quarter Sessions, and the Municipal Corporations. We had then to classify local government according to function, and to treat, one by one, such different public services as the Relief of Destitution, the Prevention of Crime, the Cleaning and Paving of Streets, the

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Regulation of Trade, the Maintenance of Churches, Harbours, Docks, Roads, and Bridges, and the raising of a municipal revenue by duties and tolls, rates and assessments. The results of this investigation into both structure and function, for the period up to the reforms of 1832-35, we hope to publish in the course of 1904. Meanwhile it has been suggested to us that our chapter on the Regulation of the Liquor Traffic, especially its hitherto unknown episode of 1786-87, with the dramatic suppression of licensed houses without compensation, might be specially instructive at this juncture, and that it may interest readers who would not care to study the whole range of English Local Government. The drawbacks of separate publication are considerable. In the course of our narrative we have constantly referred to contemporary facts dealt with in other chapters, such, for instance, as the diversity in character and procedure of the different benches of Justices of the Peace in urban and rural districts, in London and the municipal corporations. These facts will not necessarily be known to the general reader. Moreover, for students mainly interested in the



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modern controversy, a mere shred of history cut out of its context, beginning at 1700, and ending abruptly at 1830, cannot provide satisfactory reading. The first of these drawbacks we have sought to meet by appending many footnotes to the text. The second we have tried to diminish, by prefixing a short historical introduction, and appending a summary of licensing legislation since 1830, drawn from obvious sources.

With this explanation of some of its imperfections, we offer the following sketch of what did happen between 1700 and 1830, as possibly contributing towards an understanding of the present problem. We carefully abstain from pointing any moral or drawing any conclusions as to present day policy.

We must add that we are indebted for the fulness of detail and richness of variety in our work to our two zealous and able assistants and colleagues, Mr. F. H. Spencer, and Miss Amy Harrison, B.A., D.Sc. (now Mrs. Spencer). Nor would the work have been possible but for the treasures of the British Museum, and, in particular, its invaluable col-

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CHAPTER I

THE FIRST CENTURY OF LICENSING

We have made no study of the numerous instances of manorial or municipal regulation of the liquor traffic in England prior to the sixteenth century. It is easy to find, in such scanty records of the fourteenth and fifteenth centuries as are yet printed, curiously exact precedents, in one town or manor or another, at one period or another, for almost every modern expedient of dealing with the liquor traffic.[1] Nor can we pretend to have made any systematic investigation into the working of the legislation of the sixteenth century. But in

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order to enable the history of the eighteenth century to be understood, we shall give a brief outline of the course of events during the preceding century and a half.

The regulation of the trade in alcoholic liquors originated, not in any abstract theory, but in a practical necessity of the State. It was found that the free use of intoxicating drinks produced not only incapacity and disease among all classes, but also, among the "lower orders," idleness and disorderly living, crimes against life and property, and even riot and rebellion. Total prohibition of the production and sale of intoxicants was, in face of the ease of manufacture and the absence of police, plainly impracticable. Moreover, beer, at any rate, was universally regarded as a necessity of life; it was the common beverage at every meal; and all but a small minority of the population habitually enjoyed drinking. On the other hand, the evils of excessive drinking were so manifest and so widespread, that the Government, in every generation, has felt compelled to do something more than punish the crimes which drunkenness produces. For more than three hundred years the manufacture and sale of alcoholic drinks has been brought under special statutory regulation. The primary object of this legislation has been

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to prevent the social disorder and personal misconduct brought about by excessive drinking; and the legislators have sought to place obstacles to the unrestricted sale of intoxicants to individuals. But this main purpose has been, from time to time, complicated and thwarted by two material considerations: the discovery, made by successive governments, that taxes on alcoholic drinks provided an easy and copious source of revenue, and the desire to promote the extensive native industries of brewing and distilling. Under the influence of these diverse and often conflicting motives, the regulation of the liquor traffic has, in England, been shared between the central executive and the local authorities. The national Government has always taken for itself the revenue to be derived from alcohol, whether in the form of royal patents, excise duties on the manufacture, custom duties on the imports, or revenue licences of the dealers. We might omit all reference to these national taxes, and to the extensive system of official control devised for their protection, as forming no part of English local government. On the other hand, the duty of regulating the consumption of alcoholic drinks in such a way as to obviate social disorder has always been left to the local authorities, and we shall find it



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impossible, in describing their exercise of this function, to avoid mentioning the action of the national Government, when, in the pursuit of revenue or for other reasons, its regulations interfered with, and even ousted, the powers of Justices of the Peace.

The device of licensing—that is, the requirement that any person desiring to pursue a particular occupation shall first obtain specific permission from a governing authority—may be used to attain many different ends. The licence may be merely an occasion for extracting a fee or levying a tax. It may be an instrument for registering all those who are following a particular occupation, in order, for some reason or another, to ensure their being brought under public notice. It may be a device for limiting the numbers of those so engaged, or for selecting them according to their possession of certain qualifications. Finally, the act of licensing may be the means of imposing special rules upon the occupation, or of more easily enforcing the fulfilment either of these special rules or of the general law of the land.

The function of licensing, as it has been delegated by Parliament to the Justices of the Peace, has always included three distinct forms of control: the power of selection, the power

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of withdrawal, and the power of imposing conditions.

By the statute of 5 and 6 Edward VI. c. 25 (1552) the Justices of the Peace were authorised to select from time to time, at their discretion, certain persons in each county or borough who were alone to exercise the trade of keeping a common alehouse.[1] From this time forth, the occupation became an exceptional privilege, to which no person could assert a right.[2] The Justices had full discretion as to the persons whom they would license, a discretion which Parliament limited only by certain insignificant requirements.[3] What was of importance was

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The power of withdrawing the permission to sell intoxicating liquors is, curiously enough, older than the power to select the sellers. By 11 Henry VII. c. 2 (1495), strengthened by 19 Henry VII. c. 12 (1504), as part of the policy of discouraging indoor games, which diverted the people from archery, any two Justices were authorised summarily to suppress useless alehouses in their neighbourhood,[2] and it was primarily to strengthen this power "to reject and put away common ale-selling in the towns and places where they should think convenient" as they thought meet and convenient, in order

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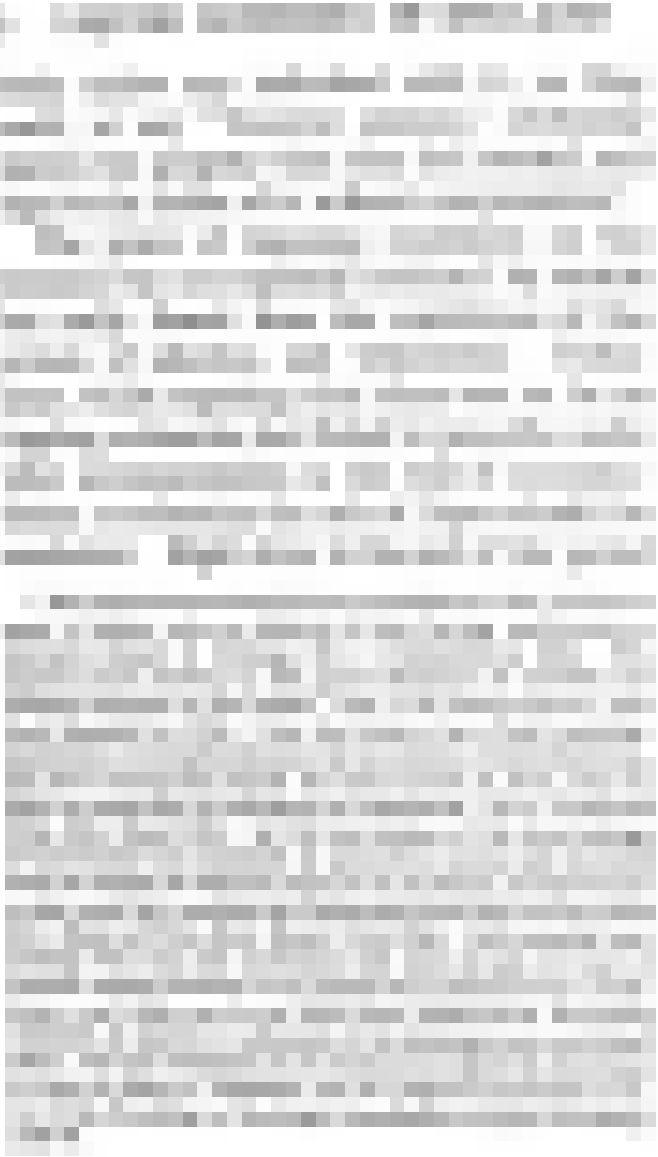
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That the Act of 1552 was carried out by the

[1] The earliest statute (11 Henry VII. c. 2, 1495) had empowered any two Justices "to take sureties of keepers of alehouses in their good behaving." These had developed by 1618 into elaborate recognisances, in which were inserted many specific conditions imposed by the Justices, and prescribed by the royal proclamation of that year. After the Revolution these recognisances became much shorter and simpler, confined usually to a merely formal undertaking not to infringe the statute law against tippling, illegal games, etc.

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[1] The earliest statute (11 Henry VII. c. 2, 1495) had empowered any two Justices "to take sureties of keepers of alehouses in their good behaving." These had developed by 1618 into elaborate recognisances, in which were inserted many specific conditions imposed by the Justices, and prescribed by the royal proclamation of that year. After the Revolution these recognisances became much shorter and simpler, confined usually to a merely formal undertaking not to infringe the statute law against tippling, illegal games, etc.

Justices is shown by the frequent references to it in the annals both of counties and corporate towns.[1] From 1587 to 1631 their administration, in this as in other branches of local government, was quickened and kept up to the mark by the series of "Books of Orders," issued by the Privy Council, which formed so important a feature of the administrative system of the time.[2] That unnecessary alehouses were to be suppressed was constantly enjoined upon the Justices, and it is clear that drastic, and often arbitrary action was taken. The "pulling down of the sign" of an alehouse, summarily suppressed by a choleric Justice of the Peace, is more than once mentioned in contemporary literature.[3]

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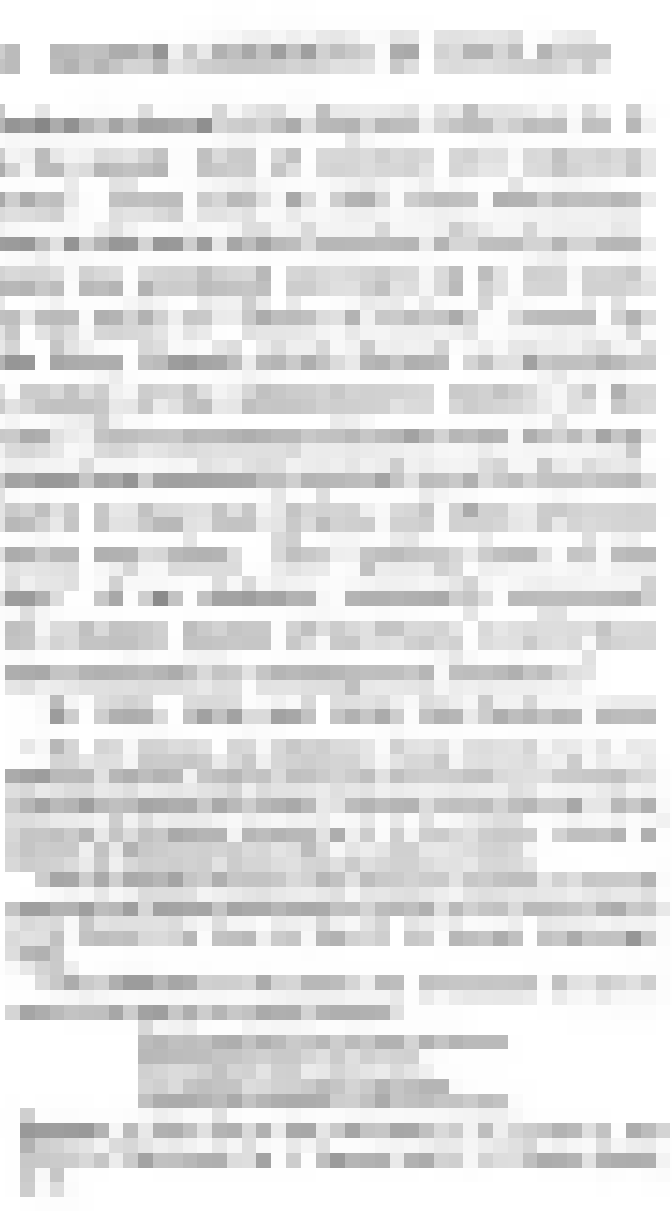
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[3] The withdrawal of the licence was accompanied by the removal of the sign by the parish constable.

> For this gross fault I here do damn thy licence,
> Forbidding thee ever to tap or draw,
> For instantly I will in mine own person
> Command the constables to pull down thy sign.

Massinger, *A New Way to Pay Old Debts*, iv. 2, quoted in *The History of Sign-boards*, by J. Larwood and J. C. Hotten (1884), p. 11.



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In 1618 a royal proclamation recited many of the conditions imposed by Justices, definitely prescribed the form of the licence, and directed that it should be for one year only. It was part of the business of the Judges of assize on their circuits to inquire if the directions of the Privy Council had been duly carried out by the Justices, and the manuscript circuit records show that this administrative supervision of the local authorities was, during the first half of the seventeenth century, frequently made effective by peremptory orders by the Judges.[2]

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CHAPTER II

A PERIOD OF LAXNESS

From the end of the seventeenth century, at any rate, a period of extreme laxness set in. Licences to keep alehouses were granted by any two Justices of the county, whether or not they belonged to the neighbourhood, or had any knowledge of applicant, or his house. We gather that practically any one could obtain a licence, which, once granted, was never withdrawn. The suppression of alehouses by the Justices went entirely into desuetude. There was, on the contrary, a constant tendency towards their multiplication. "The superfluous number of such petty inns and alehouses," complains a contemporary writer, "seems to proceed from these two causes: the first is from the application which is frequently made on the behalf of some broken, half-starved merchant or idle fellow, who rather than beg, or steal, and be hanged, or at best become charge-

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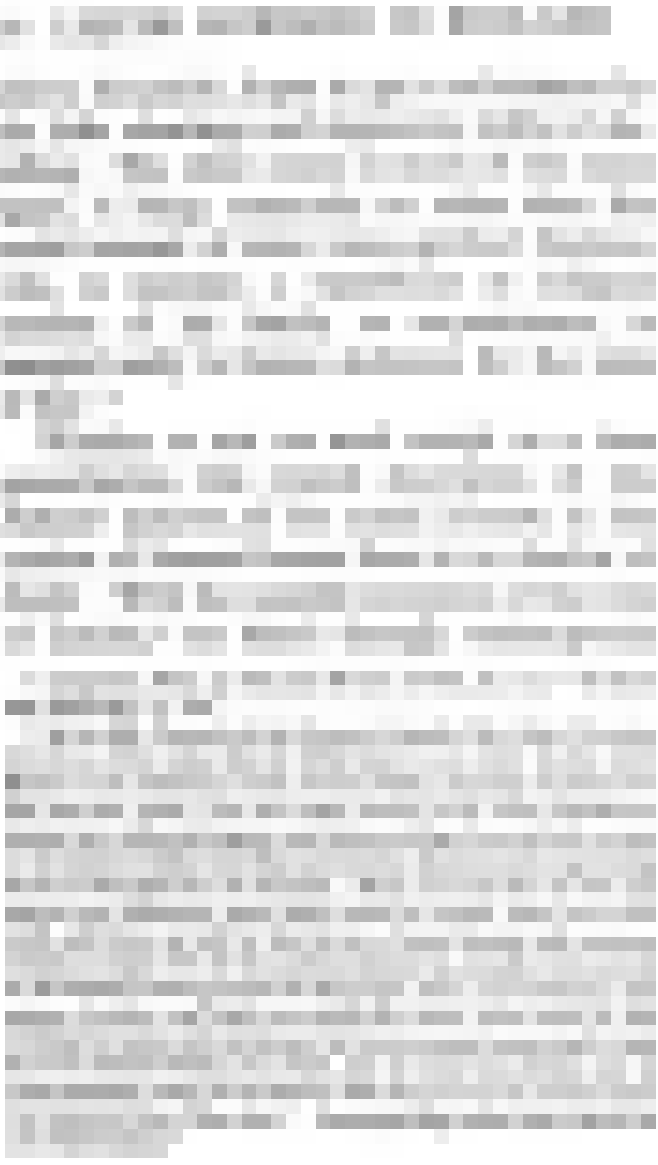
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Whether or not we need accept as a true generalisation this cynical description of the Justices' motives, of the actual increase in the number of licensed houses there is no shadow of doubt. With the possible exception of the city of London,[2] our search through contemporary

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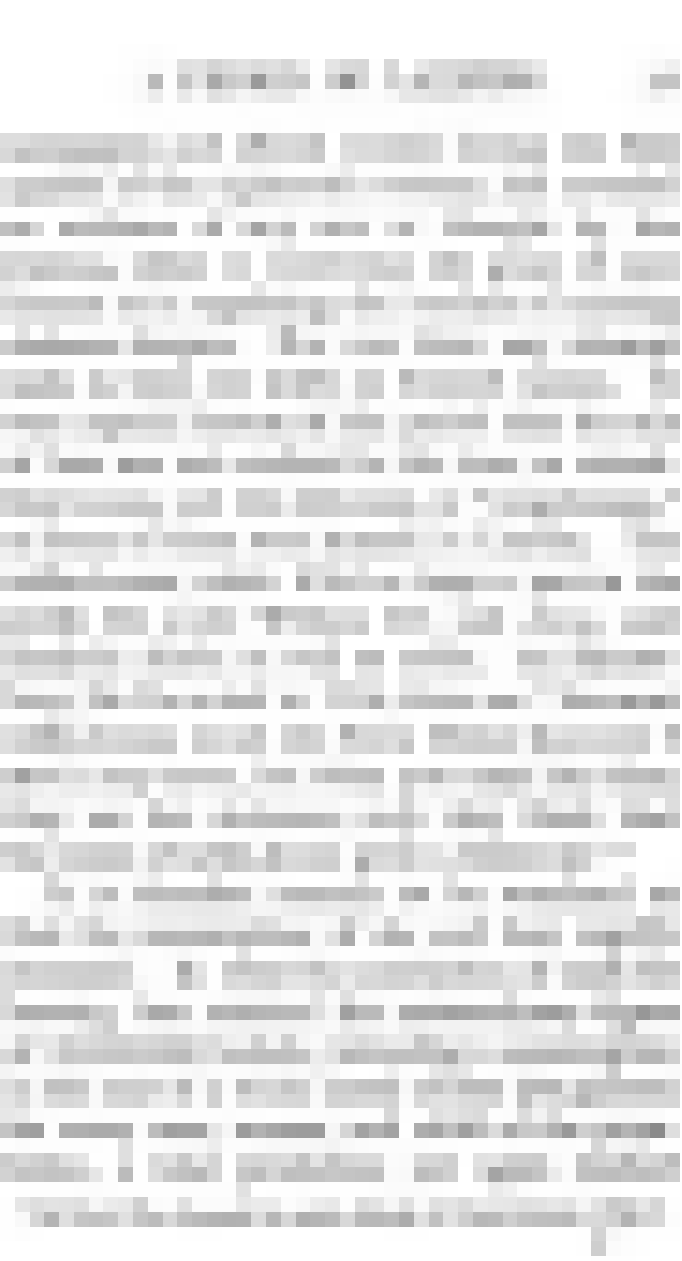
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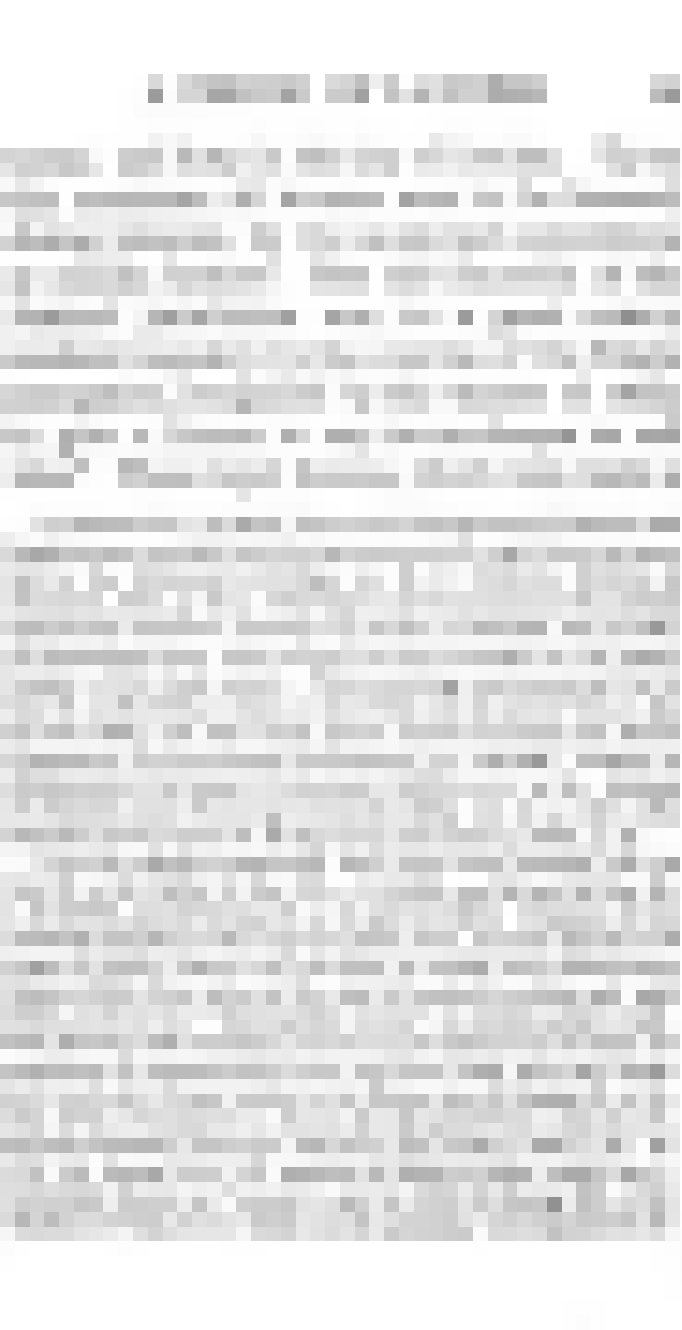
[1] 7 Edward VI. c. 5 (1553), Gravesend, Sittinghourne, Tuxford, and Bagshot were specially included as towns which might have taverns. (As to the Gravesend privilege, see R. P. Cruden's *History of Gravesend*, 1843, p. 171.) The Mayor and Corporation of St. Albans enjoyed the exclusive privilege, by charter of Edward VI. in 1560, of appointing three wine taverns in that borough for the maintenance of the local school. Their privilege was preserved by 12 Car. II. c. 25 (1660), 9 Anne, c. 23 (1710), and 43 and 44 Vict. c. 20, sec. 48 (1880), and still exists (*Plain Papers regarding the Excise Department*, by John Owens (Linlithgow), pp. 496-498; *History of Hertfordshire*, by Robert Clutterbuck (1815), vol. i. p. 49; *History of Taxation and Taxes*, by S. Dowell (1888), vol. iv. p. 138; *The Licensing Laws*, by R. M. Montgomery (2nd edition, 1900), p. 2).

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[1] 7 Edward VI. c. 5 (1553), Gravesend, Sittinghourne, Tuxford, and Bagshot were specially included as towns which might have taverns. (As to the Gravesend privilege, see R. P. Cruden's *History of Gravesend*, 1843, p. 171.) The Mayor and Corporation of St. Albans enjoyed the exclusive privilege, by charter of Edward VI. in 1560, of appointing three wine taverns in that borough for the maintenance of the local school. Their privilege was preserved by 12 Car. II. c. 25 (1660), 9 Anne, c. 23 (1710), and 43 and 44 Vict. c. 20, sec. 48 (1880), and still exists (*Plain Papers regarding the Excise Department*, by John Owens (Linlithgow), pp. 496-498; *History of Hertfordshire*, by Robert Clutterbuck (1815), vol. i. p. 49; *History of Taxation and Taxes*, by S. Dowell (1888), vol. iv. p. 138; *The Licensing Laws*, by R. M. Montgomery (2nd edition, 1900), p. 2).

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encouragement. It became an object of the Government to develop the manufacture of English brandy and strong waters, seeing that, in this way, "great quantities of the worst sort of malted corn, not useful to the brewers, hath been yearly consumed by those who set up works for that purpose." Between 1690 and 1701 a series of statutes provided, for the encouragement of these patriotic distillers, that, if they used malted corn, they should pay only a low preferential duty on their product, whilst "French and other foreign brandies" should be as far as possible excluded. No provision had been made by Parliament for requiring retailers of spirits to obtain a licence, and "punch houses" and "dram shops," as the new places were called, multiplied rapidly in London and Westminster. It is true that in 1701 the retailers of British spirits were required to obtain an alehouse licence from two Justices, but as this was found, in the words of a House of Commons Committee, to be "a great hindrance to the consumption of English brandies,"[1] it was, in the very next year, so far repealed as to leave the distillers themselves free to open as many retail spirit shops as they chose, and also to permit a like free sale in the case of "all other shopkeepers whose principal dealings

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"Such a shameful degree of profligacy prevailed," writes Smollett, who saw the London of that date with his own eyes, "that the retailers of this poisonous compound set up painted boards in public, inviting people to be drunk for the small expense of one penny, assuring them they might be dead drunk for twopence, and have straw for nothing. They

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But, already in 1729, Parliament had tried to cope with the evil by a sudden reversal of policy.

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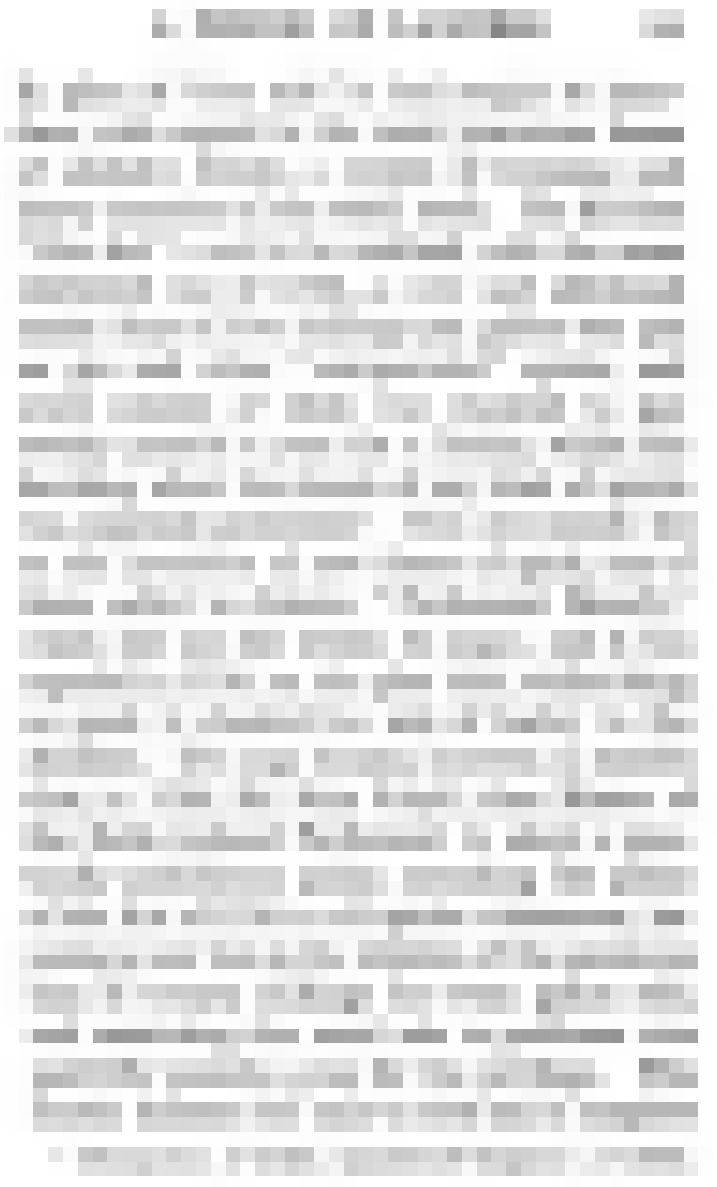
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In the course of seven years only two licences at the exorbitant fee of fifty pounds were ever taken out. "Since the populace saw they could not evade the law," Lord Cartaret plainly told the House of Lords "they openly and avowedly transgressed it; and the transgressors were so numerous that they even set the Government itself at defiance. No private man, no under officer durst inform, no magistrate durst punish, without being in danger of being De Witt-ed by the mob as he passed along the streets."[2]

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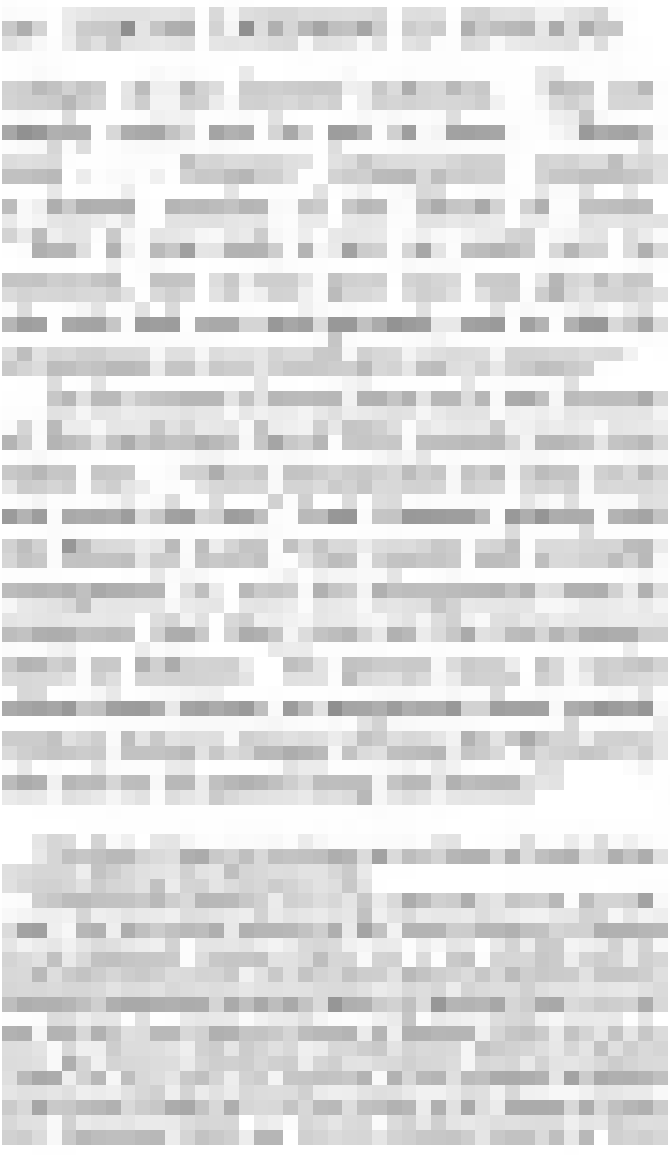
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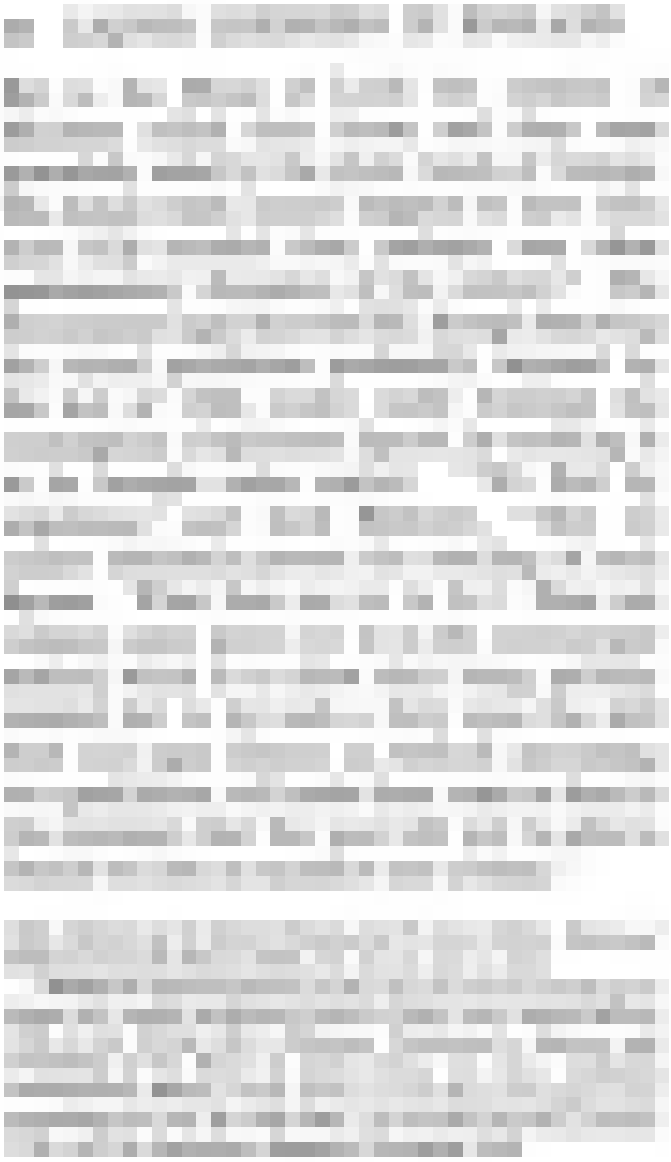
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[1] *Parliamentary History*, 21st February 1743.
[2] *Ibid.* vol. xii. p. 1299.
[3] Lord Chesterfield's speech, *Parliamentary History*, 21st February

But in the House of Lords the enemies of Ministers rallied their forces, and they were powerfully aided by the whole bench of bishops. The debate which ensued happens to have been more fully recorded than, perhaps, any other parliamentary discussion of the century.[1] The Government urged that the Bill, though removing the virtual prohibition professedly imposed by the Act of 1736, would really diminish the consumption of spirituous liquors, by enabling it to be brought under control. "We find by experience," said Lord Bathurst, "that we cannot absolutely prevent the retailing of such liquors. What then are we to do? Does not common sense point out to us the most proper method, which is to allow their being publicly retailed, but to lay such a duty upon the still head and upon licences as, without amounting to a prohibition, will make them come so dear to the consumer, that the poor will not be able to launch out into an excessive use of them."

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The bishops, on the other hand, strenuously opposed the setting up of a traffic destructive alike of health and morality. They seem to have suggested as a remedy an increased stringency of the prohibitory law, and the exercise of greater care by the Justices in granting alehouse licences. "If," said the Bishop of Salisbury, "Justices of Peace did their duty they would be much more cautious than they are in granting or continuing licences; but they never did, they never will do, their duty in this respect. Do not we know that they never do refuse a licence to any one that is willing and able to pay for it? Are there not now many notorious vile houses licensed as coffee-houses or alehouses? Do not we know that when such houses become a nuisance to the whole neighbourhood, it is with the utmost difficulty that the honest neighbours can prevail with the Justices to take away the licence?"

Lord Hervey, in opposing the Bill, endorsed this condemnation of the Justices, and urged that their laxness was directly encouraged by the financial interest of the Government in multiplying licences. "Originally," he said, "no licence was granted unless upon inquiry it was found that such a house was in that place really wanted for the convenience of the neighbour-

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hood. . . . But since the high duties and excises have been laid upon wines, and upon beer and ale, has such an inquiry ever been made? Has not a licence been granted to every one that asked it? Has not the execution of our laws against drunkenness and tippling been most egregiously neglected? This, my Lords, will be the consequence of the duty now proposed to be laid on gin. The duty proposed is not near so high as to amount to a prohibition. . . . It is not designed as such; it is designed as a fund for bringing money into the King's exchequer, and therefore . . . the use of this commodity, and even the excessive use of it, will be encouraged, or at least connived at by the King's Ministers, and by all those under their direction. The Justices of Peace may, perhaps, for the first year or two refuse granting a licence to a house known to be designed to be made a gin-shop under the pretence of being a coffee-house or alehouse; but they will soon have private directions, and a licence will be granted to every one that desires it. . . . I foresee that if you again open gin-shops under the denomination of coffee-houses or alehouses, we shall presently have a new deluge of all those calamities which were so severely felt, and so much complained of in the year 1736."

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It is needless to add that, notwithstanding the zeal and fervour of the bishops, and the eloquence of the noble opponents of the new administration, the new Prime Minister got his way. The Bill of 1743 passed into law.[1] The retail licence duty was reduced from £50 to £1, and the prohibitive duty of 20s. per gallon on retail sales was abolished, whilst the very moderate duty then levied on the manufacture was only slightly increased.[2]

These incessant and revolutionary interferences by Parliament with the regulation of the liquor traffic between 1690 and 1743 absolve, we think, the Justices of the Peace from any considerable responsibility for the outburst of bestial drunkenness and brutal disorder that characterised the first decades of the eighteenth century. But it is clear that neither in London nor in the country did they show any zeal or efficiency in exercising the powers which they possessed. Alehouses, which were exclusively under their jurisdiction, were greatly multiplied in number. All this time, moreover, the laws

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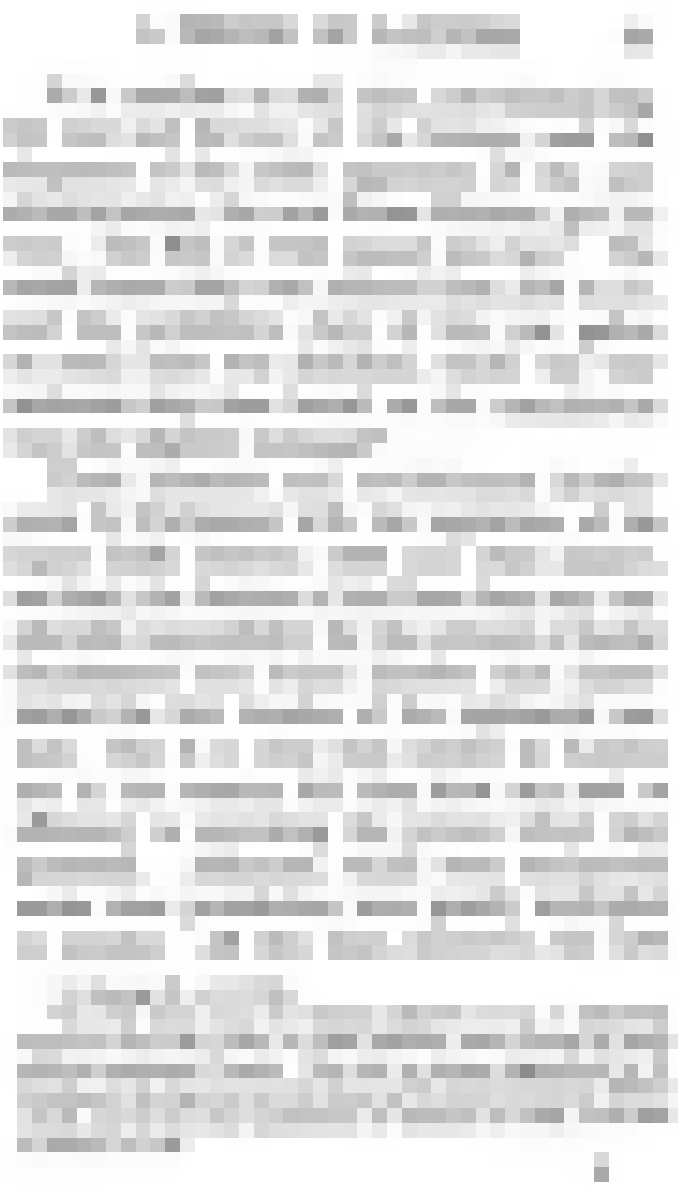
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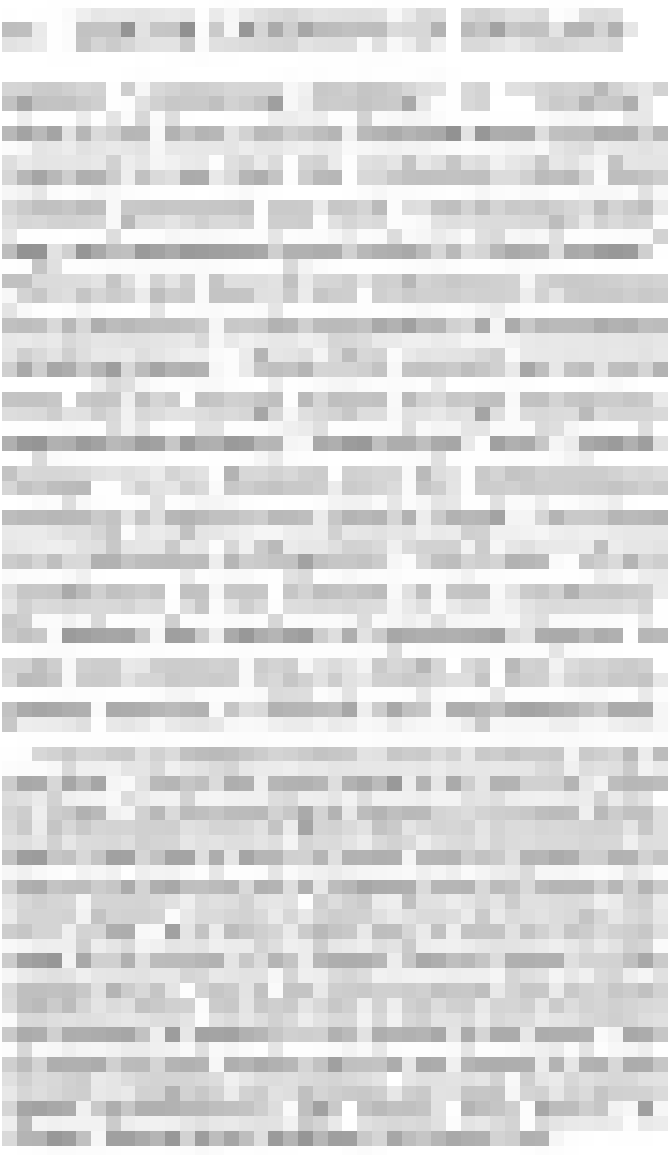
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against "continuing drinking" or "tippling" were in full force, and the Justices were expressly required to see that the victuallers whom they licensed prevented any such "continuing drinking, and maintained good order in their houses." Yet we do not hear of any withdrawal of licences for misconduct, or the suppression of unnecessary drinking places. From 1701 onward, as we have seen, the law, though subject to large exceptions, required the ordinary "dram-shops" and "punch-houses" to be licensed, and the indiscriminate retailing of spirits was plainly illegal; but there is no indication in Hogarth's "Gin Lane" of any interference by the Justices or the constables.[1] To induce the vendors of spirituous liquors to take out a licence was, no doubt, in the contemporary anarchy, a difficult and unpleasant task.

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"When a Justice of the Peace," we are told, "meets with inferior officers of courage and intrepidity, and sets about a reformation of the unlicensed houses, he finds himself surrounded with numbers of pettifogging attorneys and solicitors who watch his steps, and if there happens to be the least flaw in the method of drawing up and managing the several proceedings, he finds himself obliged to attend a *certiorari* in the King's Bench, where, failing in some circumstance, the whole proceedings are quashed, and the magistrate, who has been at great expense, has the mortification to see the impudent fellow triumph over him and increase his iniquitous trade."[1] The committee of Middlesex magistrates which reported to Quarter Sessions in 1736, may well have been "firmly persuaded that there has been great negligence and remissness in several of the officers in this occasion," seeing that they discovered that nearly half the constables whom they employed were themselves retailers of spirituous liquors. "While all other tradesmen endeavour to get excused from serving the office of constable, the dealers in Geneva court the office, whence they infer that the constables find their account in encour-

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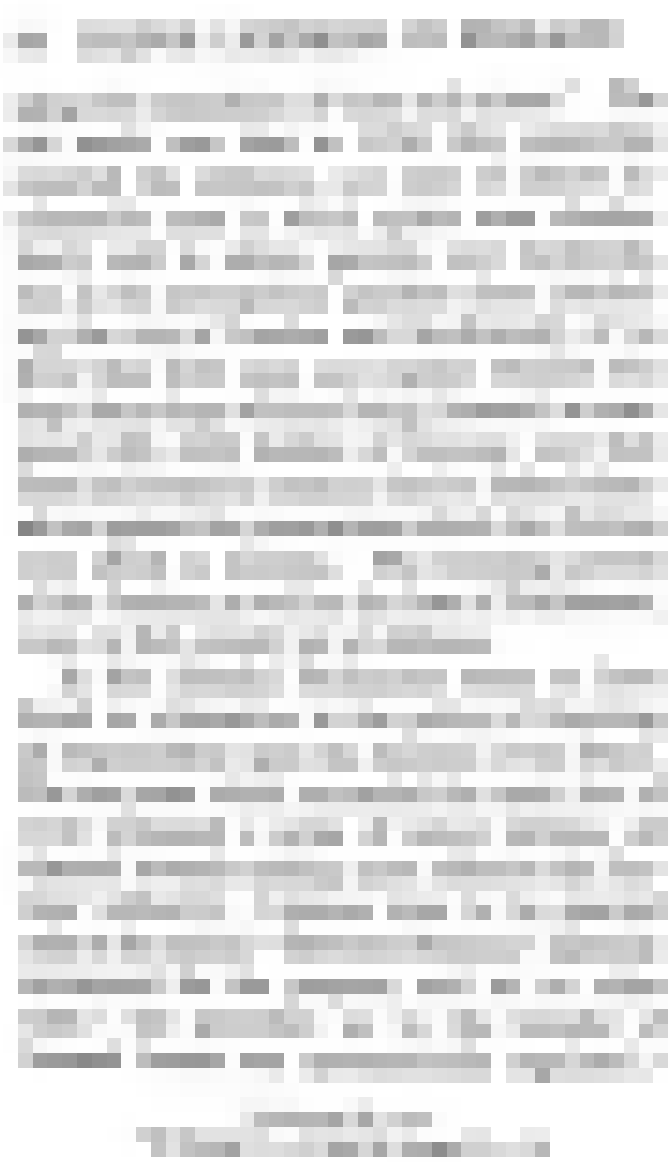
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In this dilemma Parliament seems to have found no alternative to the policy of throwing all responsibility upon the Justices of the Peace. The ten years which succeeded the main Act of 1743 witnessed a series of minor reforms, all directed towards making more effective the Justices' authority. Licences were to be granted only at the annual "Brewster Sessions," specially summoned for the purpose, and at no other time;[1] the procedure as to the transfer of licensed houses was systematically regulated;[2]

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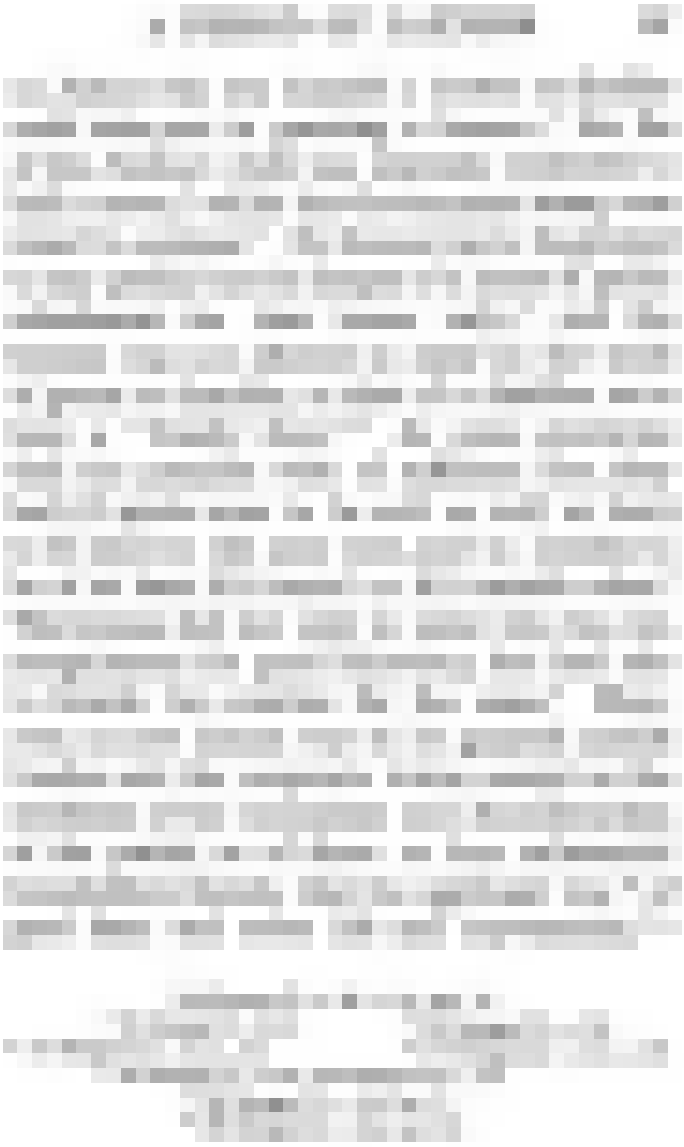
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[2] 24 George II. c. 40.
[3] 29 George II. c. 12.
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[5] 17 George II. c. 17, c. 19.
[6] 24 George II. c. 40; 26 George II. c. 13.
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Finally, in order to strengthen the hands of the Justices, the procedure relating to their proceeding against defaulting publicans was simplified and defined;[1] they were protected against writs of *certiorari* and actions for damages, and they were given summary powers of search and discovery.[2] From 1753 onward, at any rate, the Justices had in their uncontrolled discretion to grant or refuse a licence, and in the crushing penalties against unlicensed sellers, an almost unlimited power of confining the drink traffic within legitimate bounds.[3]

During the decades immediately following the legislation of 1743-53, the Justices seem to

[1] 26 George II. c. 31, sec. 7, 8; 28 George II. c. 19.

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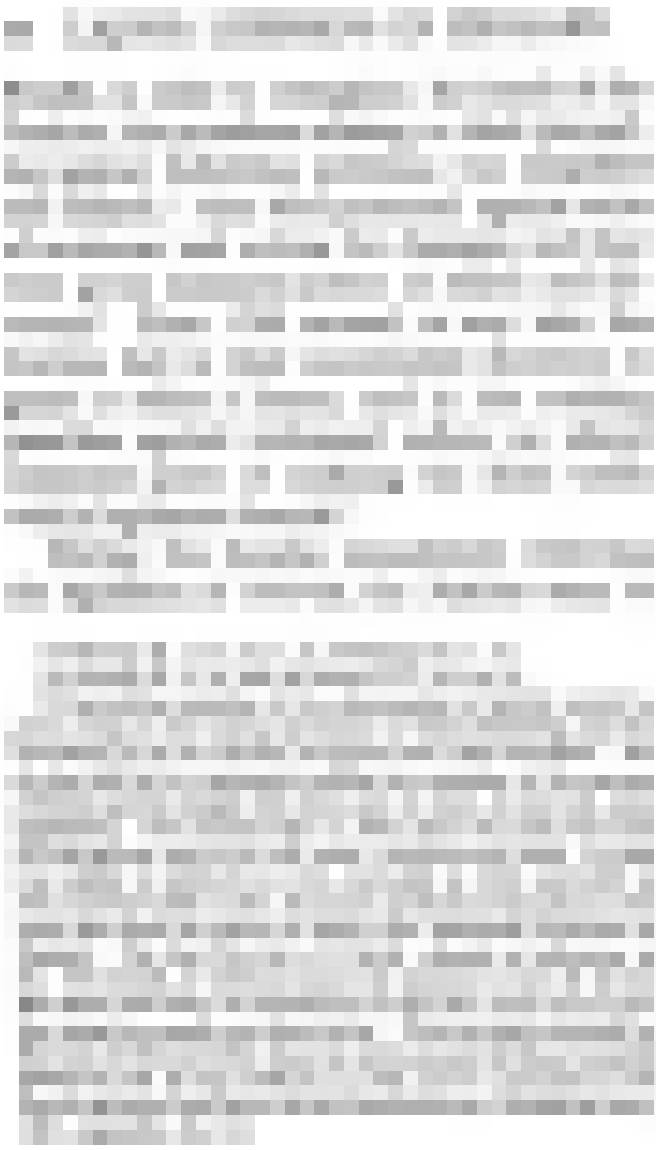
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have set themselves to carry out the spirit of Walpole's Act, by aiming at licensing the sale of alcoholic liquors rather than restricting, or even controlling it. Gradually, with many prosecutions, the indiscriminate sale of liquor in London and Westminster was put down, but only at the cost of steadily increasing the number of licensed houses, and allowing them to remain practically unregulated.[1] In 1750 we learn that "7000 out of 12,000 quarters of wheat sold in the London markets per week were converted into spirituous liquors . . . and there were 500 out of 2000 houses in the parish of St. Giles-in-the-Field open for" their sale.[2] "The suburbs of the Metropolis," writes Smollett of 1752, "abounded with an incredible number of public-houses, which continually resounded with the noise of riot and intemperance; they were the haunts of idleness, fraud, and rapine, and the seminaries of drunkenness, debauchery, extravagance, and every vice incident to human nature."[3] In contrast with the drastic "articles"

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[2] *Gentleman's Magazine*, January 1760, p. 21.

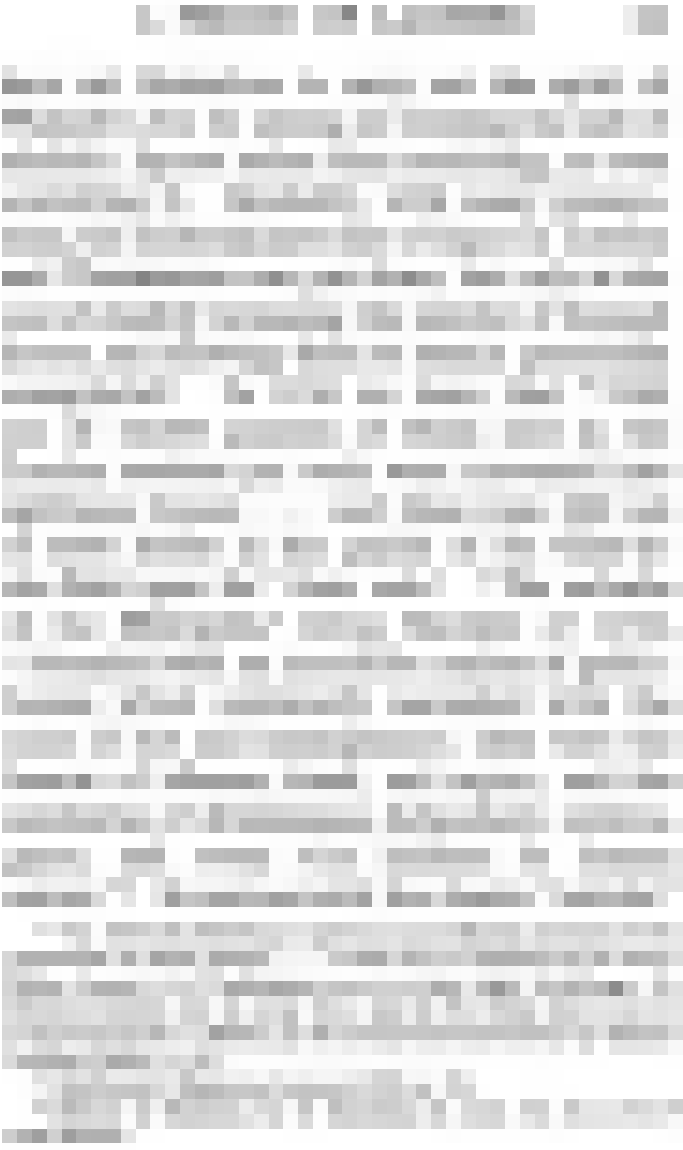
[3] *History of England*, by T. Smollett, ch. xxii. vol. iii. p. 81 of 1848 edition.

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[1] "In 1750 the following is given as an authentic account of the proportion of (drink shops) . . . in the City of London one to every fifteen houses; in Westminster one to every eight dwellings; in Holborn district one to every five; and in St. Giles above one to every four houses" (*History of the Temperance Movement*, by Samuel Couling (1862), p. 19).

[2] *Gentleman's Magazine*, January 1760, p. 21.

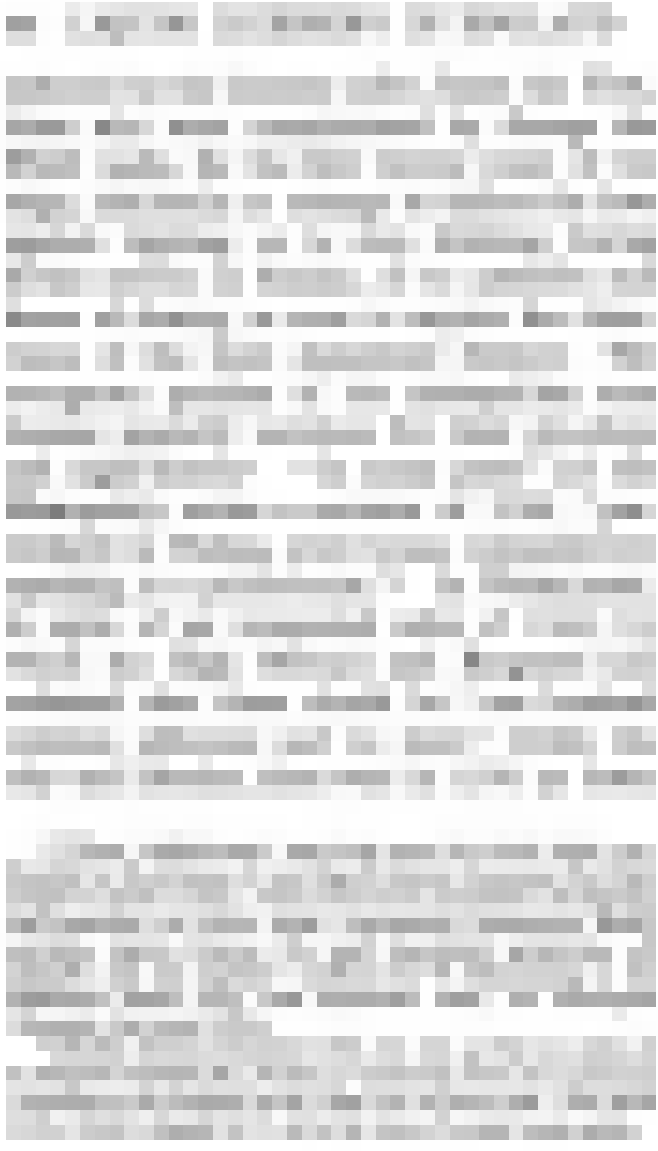
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The magistrates of the other counties and municipal boroughs, though free from the gross and unashamed corruption of the "trading Justices" of Middlesex, seem to have been, between 1729 and 1786, hardly less negligent in the performance of the duties which Parliament had cast upon them. In most parts of the country it became, apparently, easy to get an alehouse licence, and we hear on all sides that

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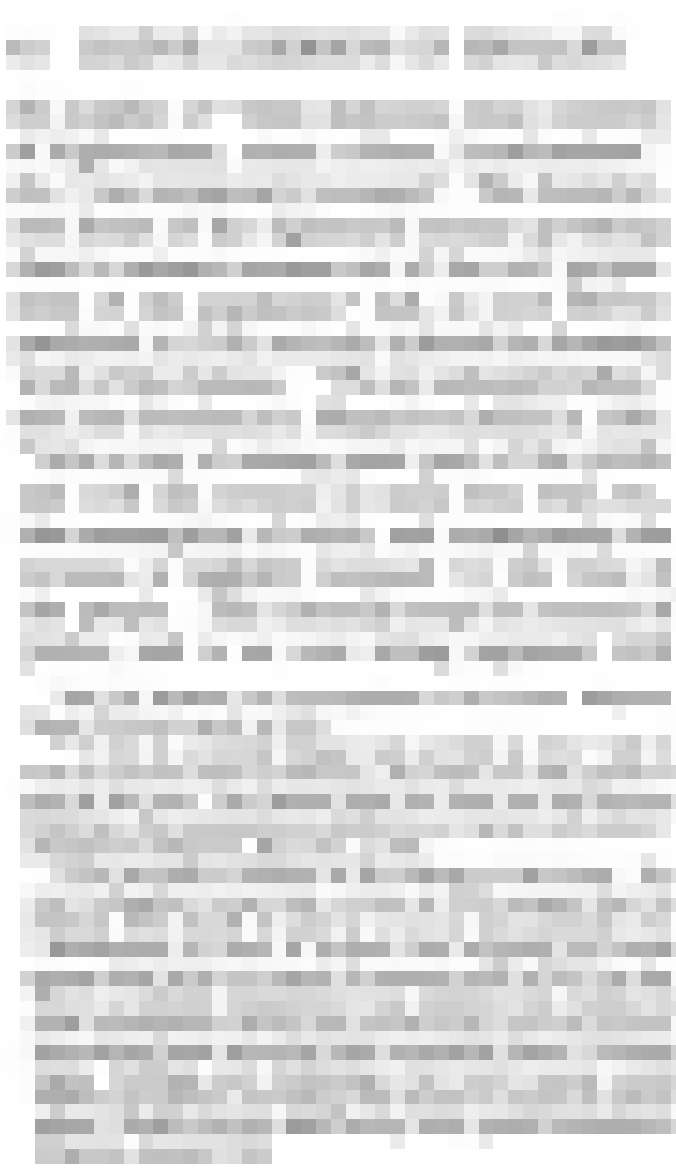
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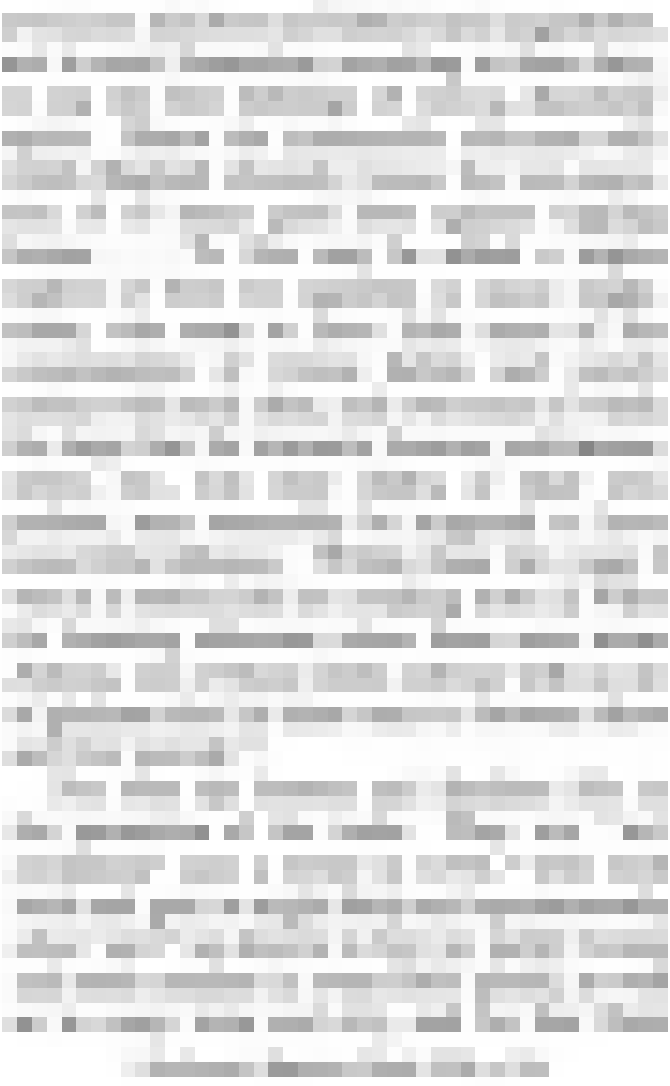
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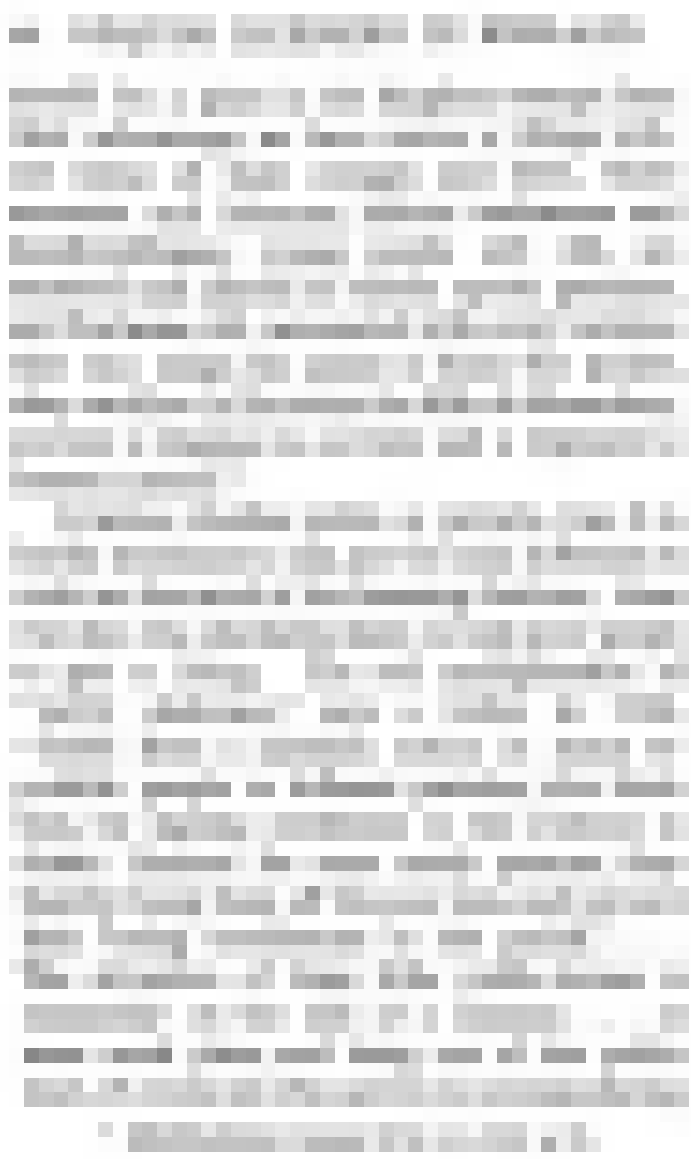
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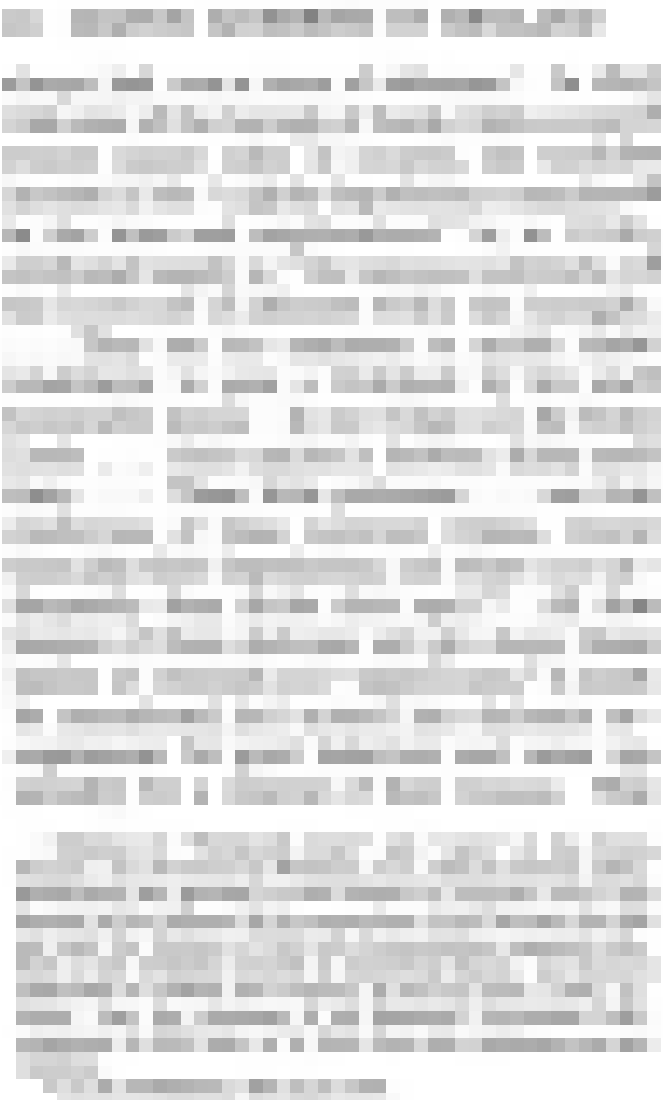
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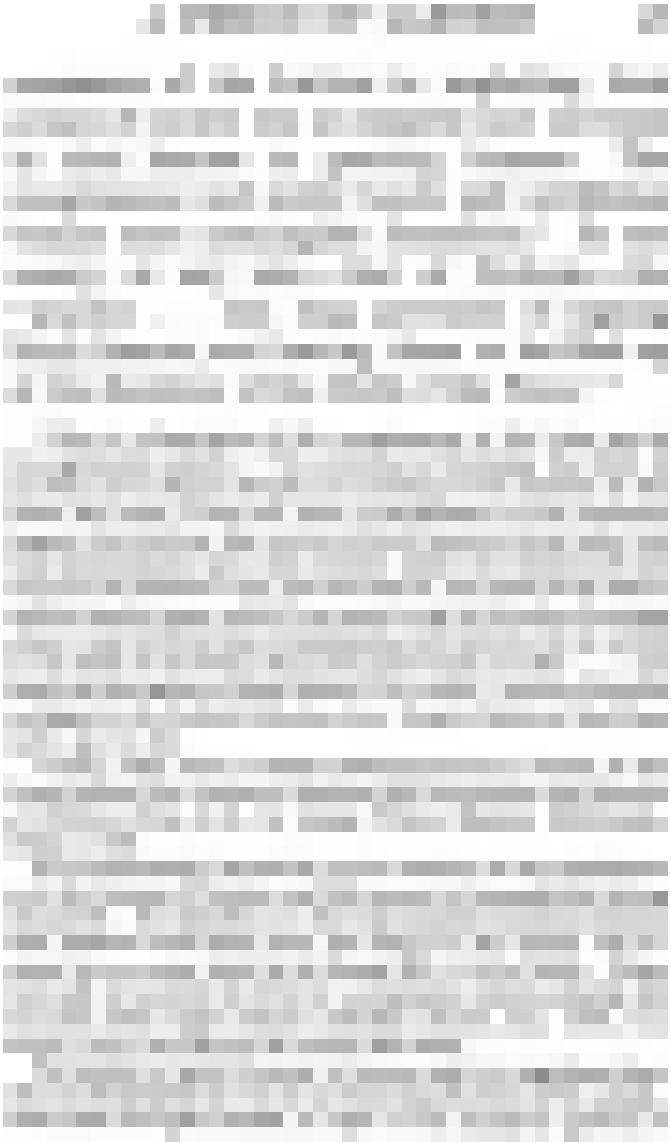
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CHAPTER III

REGULATION AND SUPPRESSION

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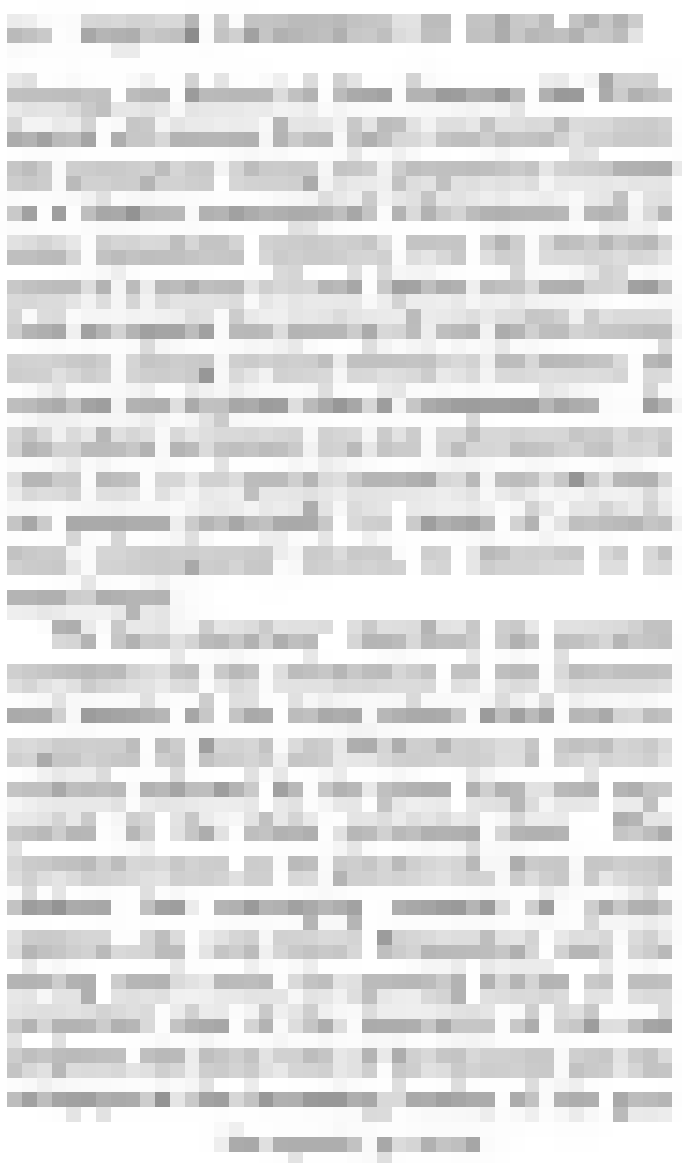
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Closing, the Refusal of New Licences, the Withdrawal of Licences from badly conducted houses, the peremptory closing of a proportion of houses in a district over-supplied with licences, and in some remarkable instances, even the establishment of a system of Local Option or Local Veto, both as regards the opening of new public-houses and the closing of those already in existence, all without the slightest idea of compensation. As this reform movement was not only important in itself, but is of special interest in our own day, we propose, principally by means of extracts from contemporary sources, to describe it at some length.

We have elsewhere[1] described the powerful movement for the reformation of the manners and morals of the lower orders which was inaugurated by Zouch and Wilberforce in 1786-87, cordially endorsed by the pious king, and supported by the whole governing class. This movement came, as we pointed out, from several distinct but converging currents of public opinion—the new-found Evangelical zeal for saving men's souls, the growing dislike of the propertied class of the insecurity of life and property, the alarm both of the financier and the ratepayer at the increasing burden of the poor

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rate, and last but not, we think, least, the half-conscious desire of the rising class of industrial capitalists to drive the manual workers out of the alehouse and gin-shop into the factory and workshop. Such being the influences at work, it is not surprising that the most signal and durable manifestation of the movement should have been a strenuous attempt to restrict the temptations to, and the opportunities for, licentious conduct, disorderly gatherings, wasteful expenditure and idle hours, which an unlimited supply of unregulated public-houses afforded to the lower orders.[1]

The first indication of the movement came from the heart of the new manufacturing districts.[2] The high earnings of certain classes of

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[2] Individual magistrates up and down the country had for some time been suggesting the propriety of restriction. Thus, in a pamphlet entitled *Thoughts on the Great Circumspection necessary in Licensing Public Houses*, a country Justice of 1777 earnestly exhorts his brother magistrates not to licence any but absolutely necessary alehouses, to make "the most strict and impartial inquisition" into their conduct, and "to exercise with unremitting vigour the power entrusted with them," and "to lay the axe to the root of an enormous and growing evil" (see *Monthly Review*, Nov. 1777, vol. lvii. p. 408).

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operatives in the new textile and iron manufactures had led to a pandemonium of hard drinking and brutal amusements. We find the Lancashire Justices in Quarter Sessions in 1782 giving public notice that, "whereas divers innkeepers within the said county have for some time past made a common practice of suffering great numbers of ill-disposed persons to assemble at their houses and fight cocks, to the great impoverishing of themselves and their families, and to the great encouragement of vice, . . . in future no licences will be granted to any . . . who shall encourage, connive at, or suffer the fighting of cocks at or in their houses, outhouses, or grounds, and that the magistrates . . . are determined to prosecute and punish all such persons."[1] Presently, fiscal changes gave a great stimulus to the drinking habits of the new manufacturing population. The manufacture of British spirits, which had remained for five-and-twenty years at a relatively low level, and had even drooped under the heavy war taxes of 1780-85, suddenly bounded up in 1785, on the reduction of the duty, and rose to double its accustomed amount.[2] It is not without

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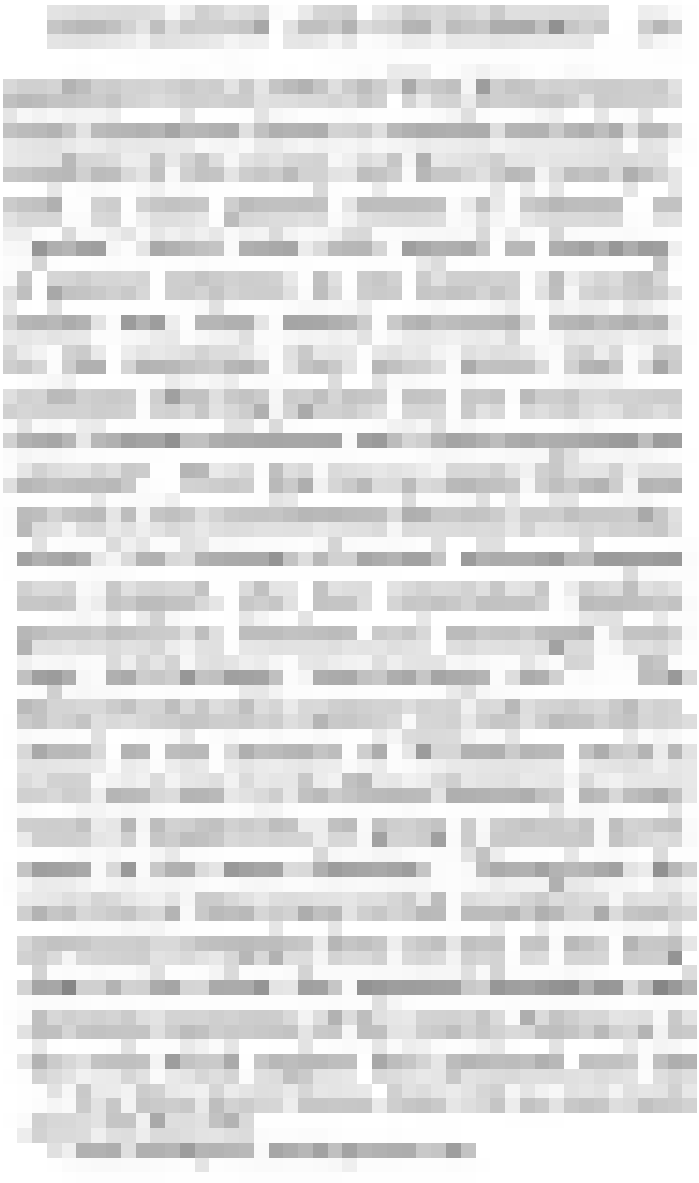
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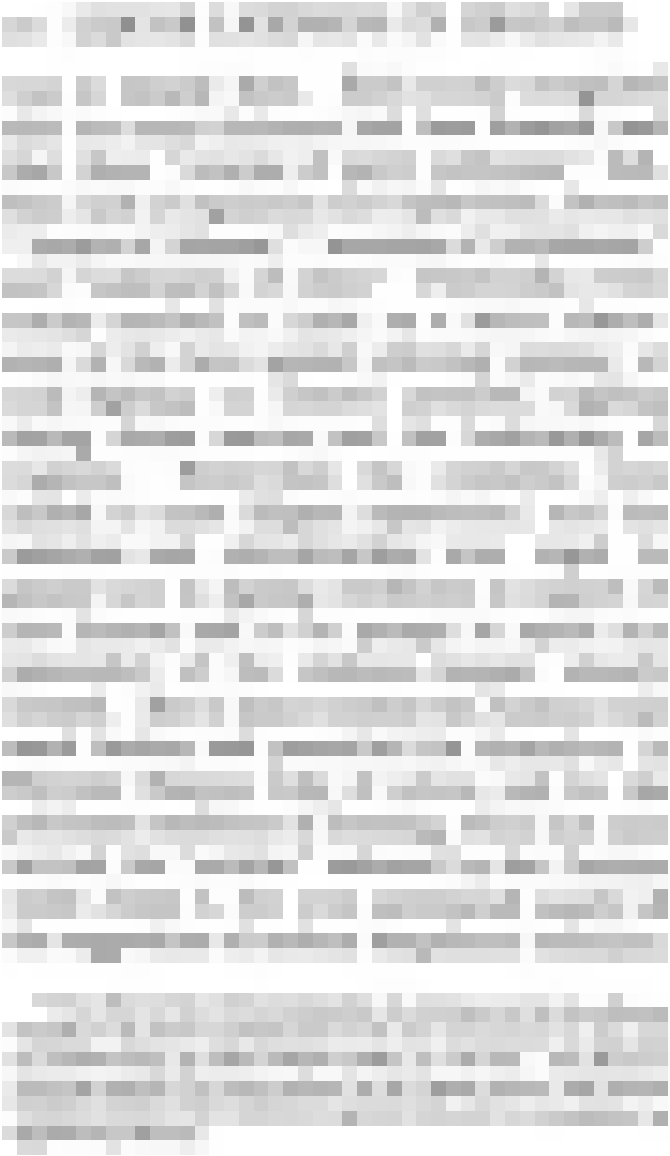
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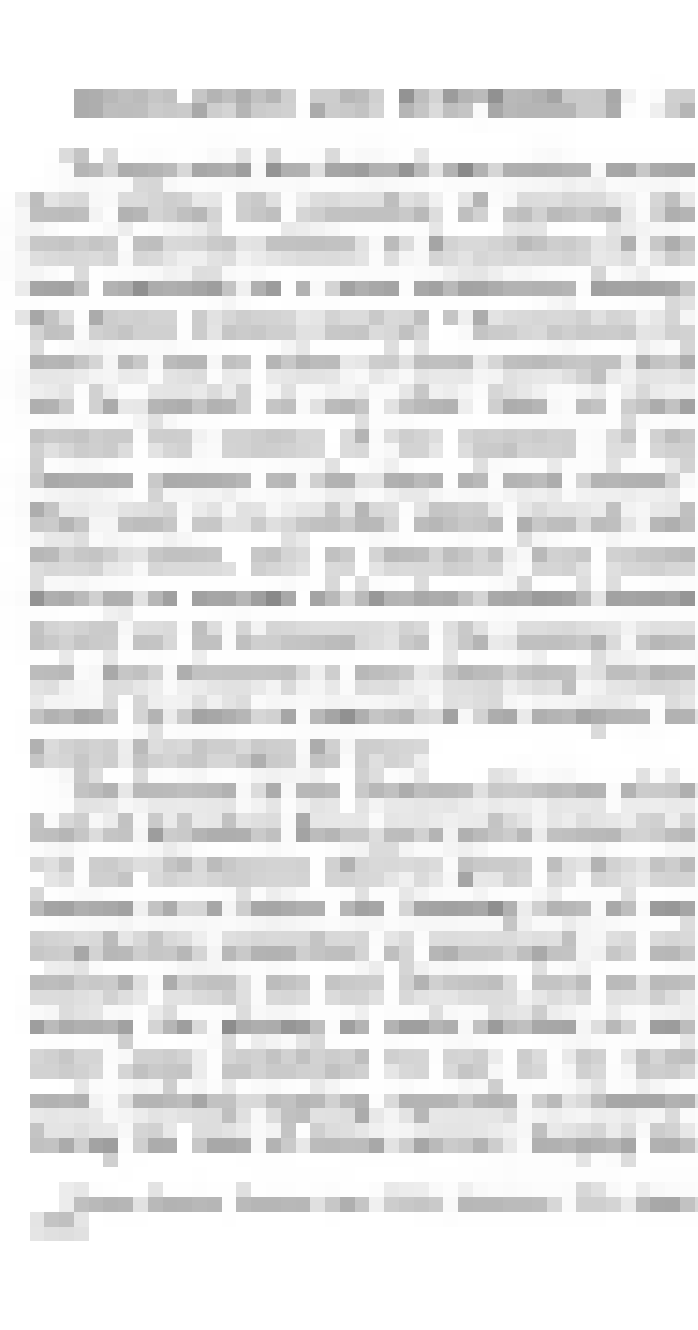
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To begin with the Justices' own action, we see them putting the procedure of granting the licence, and the relation to the publican of the local constable, on a more satisfactory footing. The Surrey Justices resolved "that licences refused at any or either of these meetings shall not be granted at any other time or place without the consent of the majority of the Justices present at the time of such refusal." They went on to prohibit skittle grounds and billiard tables, and to determine that houses shut up on account of disorders suffered therein should not be re-licensed for the ensuing year, and that whenever a mere dram-shop became vacant by death or removal of the occupier, its licence should lapse for ever.[1]

The Justices of the Northern Division of the Lath of Aylesford, Kent, gave public notice that "if any information shall be given to the said Justices on or before the licensing day, of any irregularities committed or encouraged at any alehouse within the said Division, such as permitting the playing at cards, skittles, or any other game prohibited by law to be there used; suffering tippling, especially on Sundays during the time of divine service; keeping late

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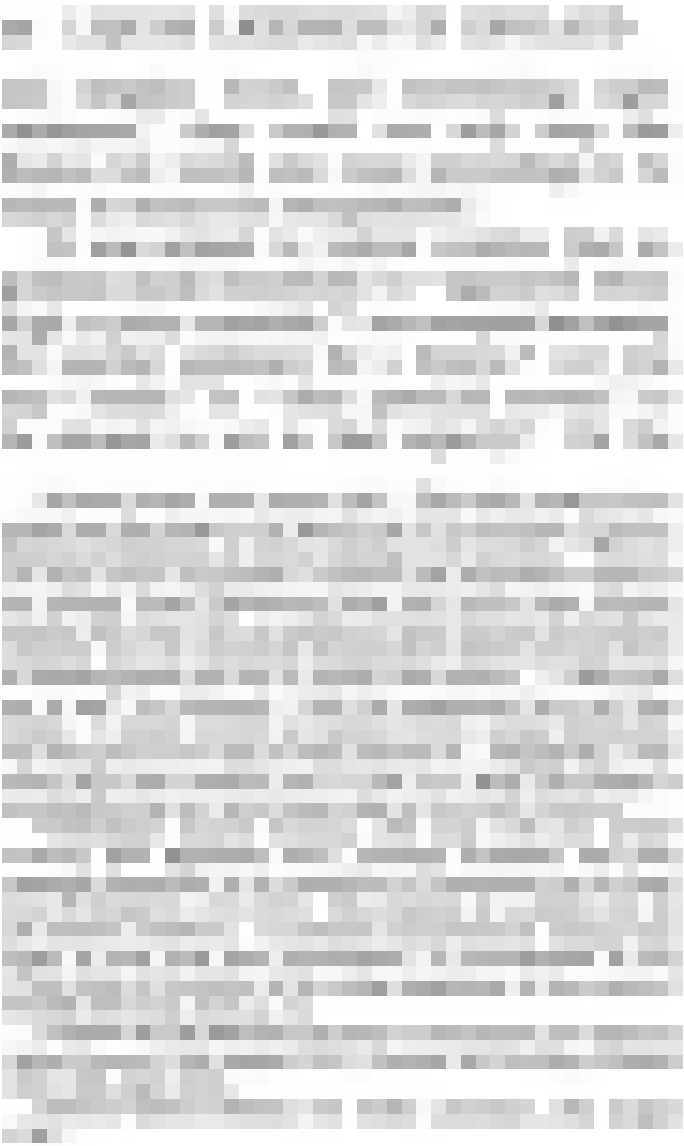
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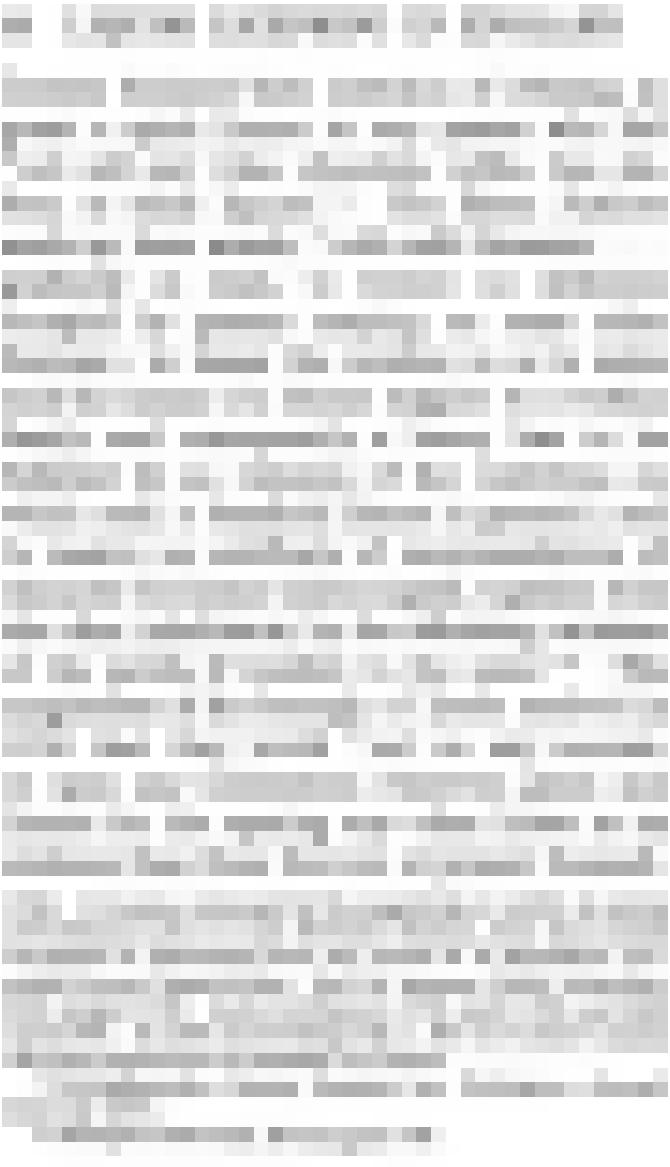
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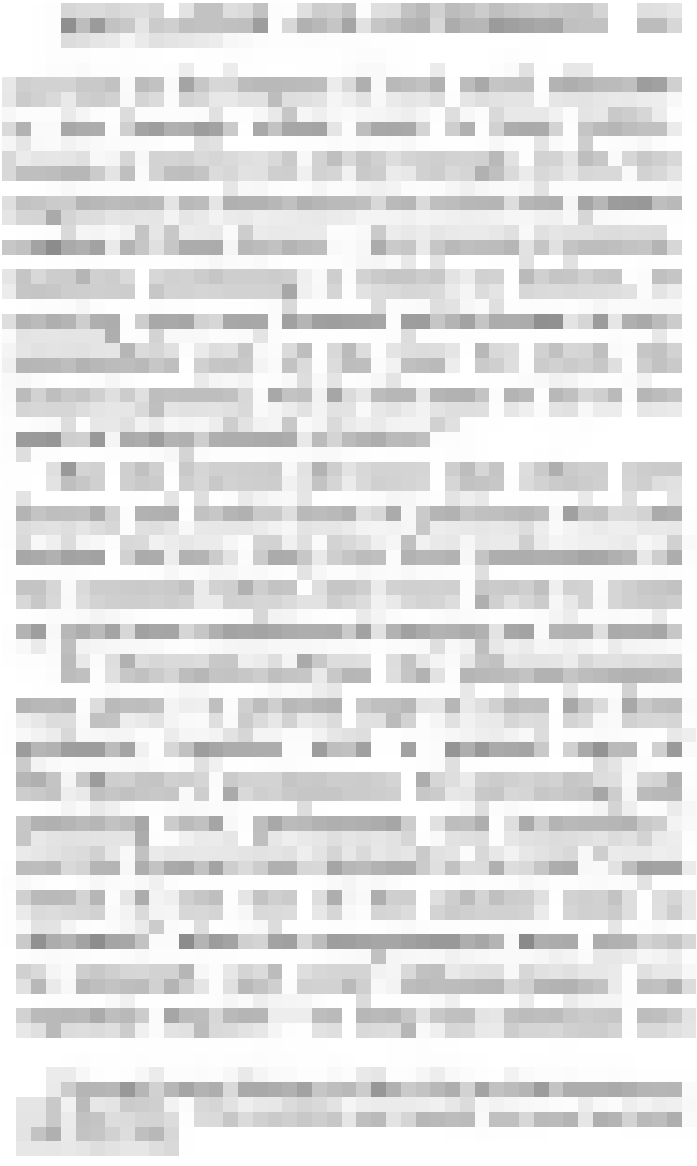
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But the Justices did more than refuse new licences, and forfeit those of publicans who had broken the law; they, like their predecessors of two centuries before, used their power to insist on quite new conditions of carrying on the trade.

In Newcastle-on-Tyne the alehouse-keepers were given "a printed copy of rules for their guidance, together with a printed copy of His Majesty's proclamation for preventing and punishing vice, profaneness, and immorality," and the licences were declared to be void "upon breach of any one of the printed rules so delivered," when the recognisances were also to be estreated; and every alehouse-keeper was expressly required "to keep the aforesaid two

[1] Borough Justices' Meeting, 3rd May 1790 (see *Leeds Intelligencer*, 11th May 1790). This resolution was repeated two years later (*ibid.* 18th June 1792).



and that as the keepers of such small alehouses in the borough either cease to keep public-houses, or remove out of the borough, or die, the magistrates are determined to reduce the present number of these houses. Any person or persons, therefore, purchasing a licence or licences, or entering upon any licensed public-house at any intermediate part of the year for which the licence is granted, will do the same at his or her peril of being refused a licence." [1]

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In Newcastle-on-Tyne the alehouse-keepers were given "a printed copy of rules for their guidance, together with a printed copy of His Majesty's proclamation for preventing and punishing vice, profaneness, and immorality," and the licences were declared to be void "upon breach of any one of the printed rules so delivered," when the recognisances were also to be estreated; and every alehouse-keeper was expressly required "to keep the aforesaid two

[1] Borough Justices' Meeting, 3rd May 1790 (see *Leeds Intelligencer*, 11th May 1790). This resolution was repeated two years later (*ibid.* 18th June 1792).

printed copies constantly hanging up, either in frames or pasted on boards, in the most proper and conspicuous place in his or her house, where all persons resorting to the house may read the same."[1] What these conditions were we learn in other cases. In many counties the Justices made it a condition of all licences that the public-houses should be closed at nine o'clock in winter and ten o'clock in summer.[2] At Leeds, the Borough Justices fixed ten o'clock as the closing hour all the year round.[3] More or less Sunday closing became the rule everywhere out of London. The publicans in Manchester "had notice that no liquor must be sold before noon on Sundays";[4] whilst those of Gloucestershire

[1] *Ipswich Journal*, 24th May 1788.

[2] Oxford Quarter Sessions, 10th July 1787 (see *Bristol Journal*, 15th September 1787); Berkshire Quarter Sessions (see *Northampton Mercury*, 8th September 1787; *Leeds Intelligencer*, 18th September 1787); Gloucestershire Quarter Sessions (see *Bristol Gazette*, 24th January 1788).

[3] Borough Justices' Meeting, 3rd May 1792 (see *Leeds Intelligencer*, 18th June 1792). At Derby no closing time seems to have been fixed until 1799, and then only for Saturdays, when all public-houses were directed to close at 11 P.M. (see *Derby Mercury*, 21st November 1799). The Mayor of Plymouth printed a handbill in 1809, warning licensed victuallers that they must close at 10 P.M., and must not allow persons to remain tippling, or serve night-watchmen (Fol. Misc. Papers, 1800 to 1835, p. 53, in Plymouth Corporation MS. Records).

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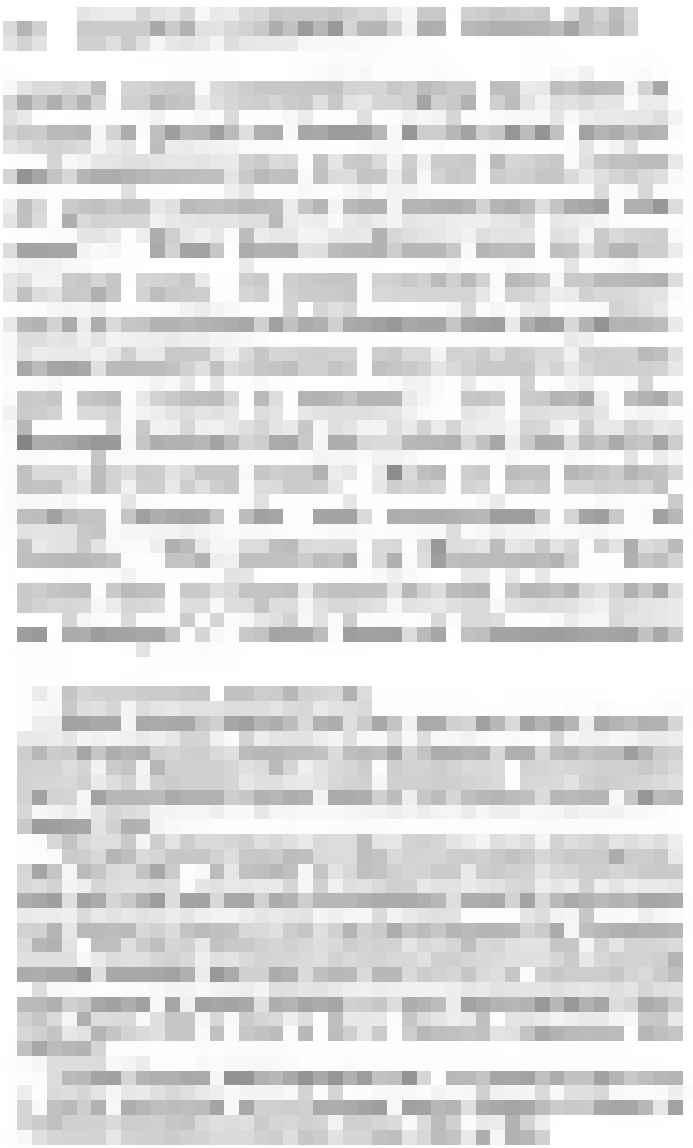
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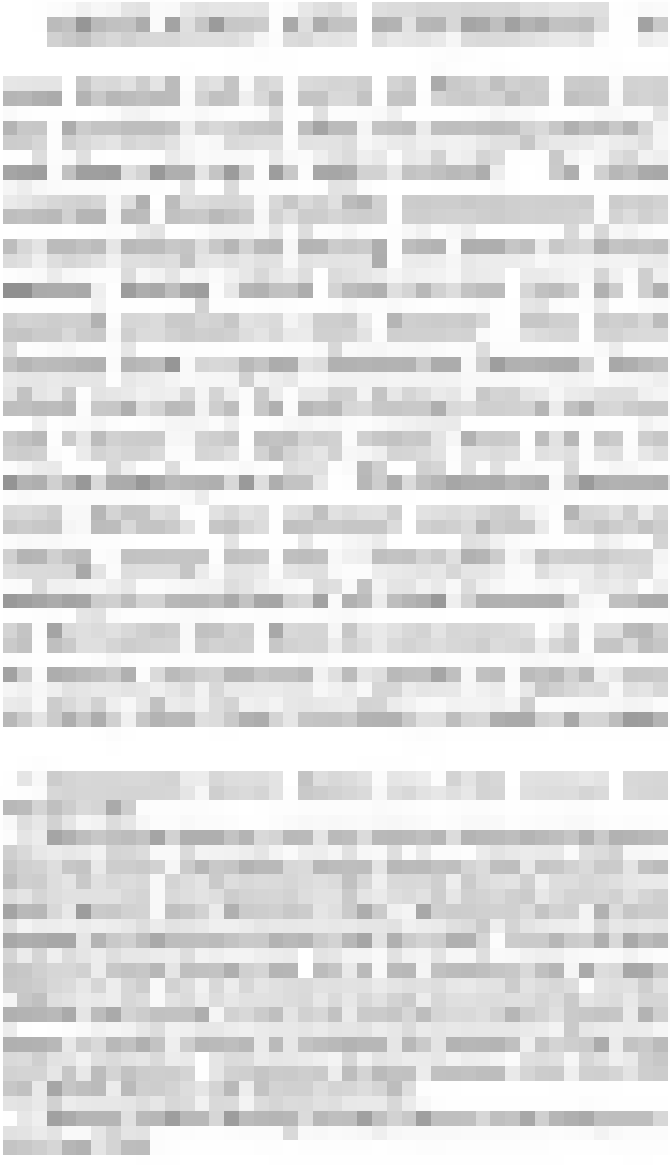
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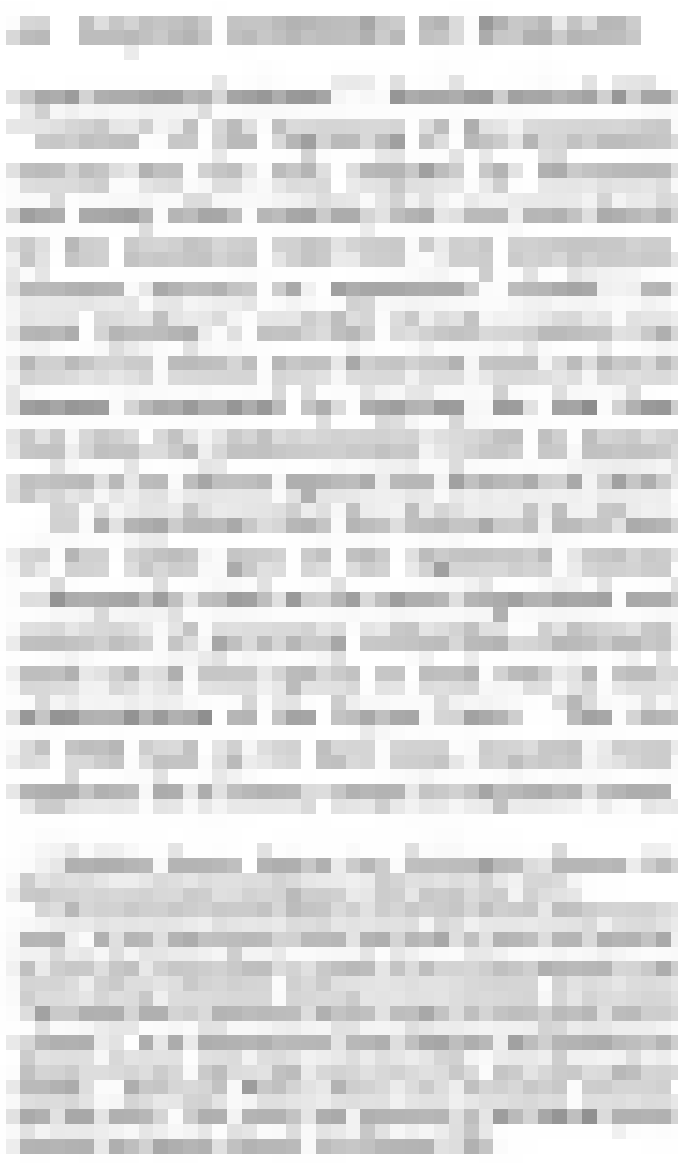


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It is significant that the Justices of the Peace of the latter part of the eighteenth century —frequently cited as the most oligarchical and autocratic of governing authorities—habitually made use of local option or local veto in their administration of the Liquor Laws. The Act of 1753 had, as we have seen, required every applicant for a licence, except in corporate towns,

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Even more revolutionary was the practice of calling into council the "principal inhabitants" of the parish as to the expediency of renewing the old licences. The Justices for the Bathsorum Division of the county of Somerset "recommend it to the Ministers and Churchwardens to be careful in inquiring into the characters and behaviour of publicans within their respective parishes; *to*

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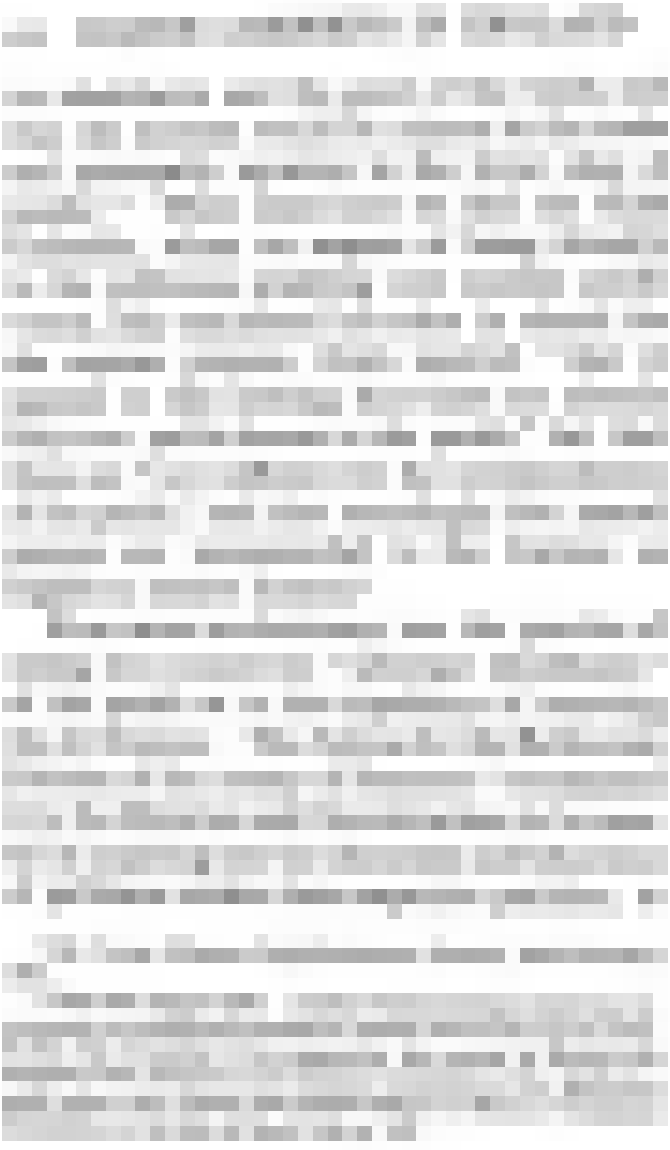
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"That a Vestry be held on the last Sunday in August for the purpose of receiving the said report.

"That the constables be required to visit the public-houses within this parish at ten o'clock every night, and see that the publican dismiss his guests and shut up his house at that hour; and that they take into their custody all such persons as shall refuse quietly to depart when called upon by the constables and publicans so to do" (*Chelmsford Chronicle*, 10th August 1787).

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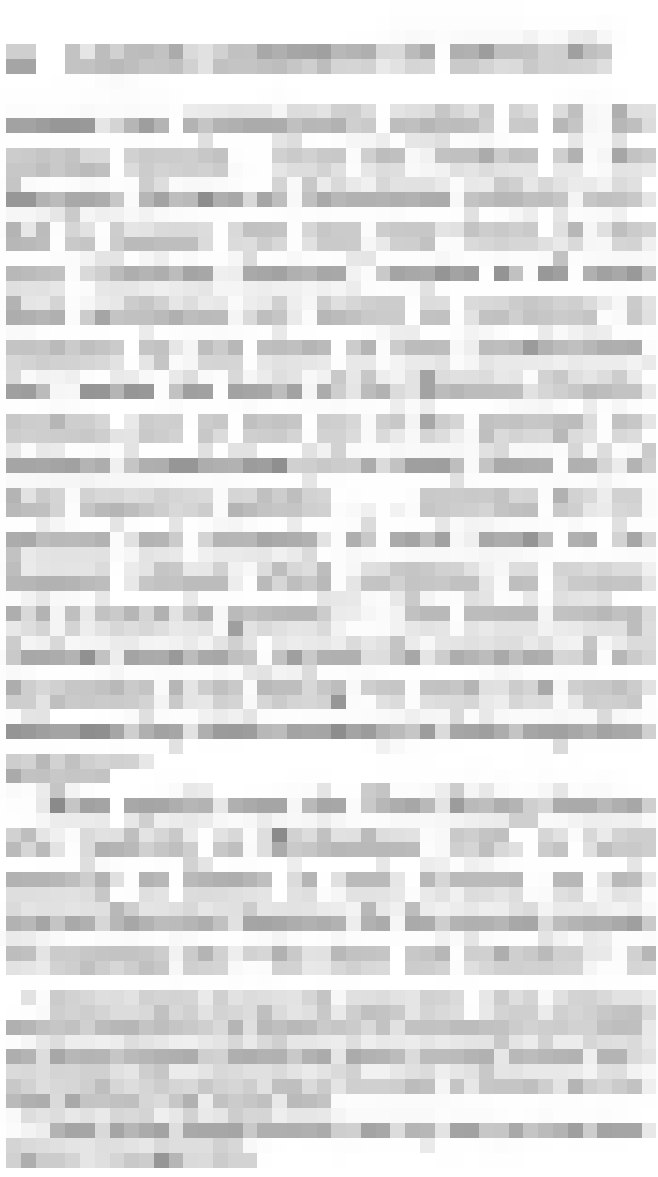
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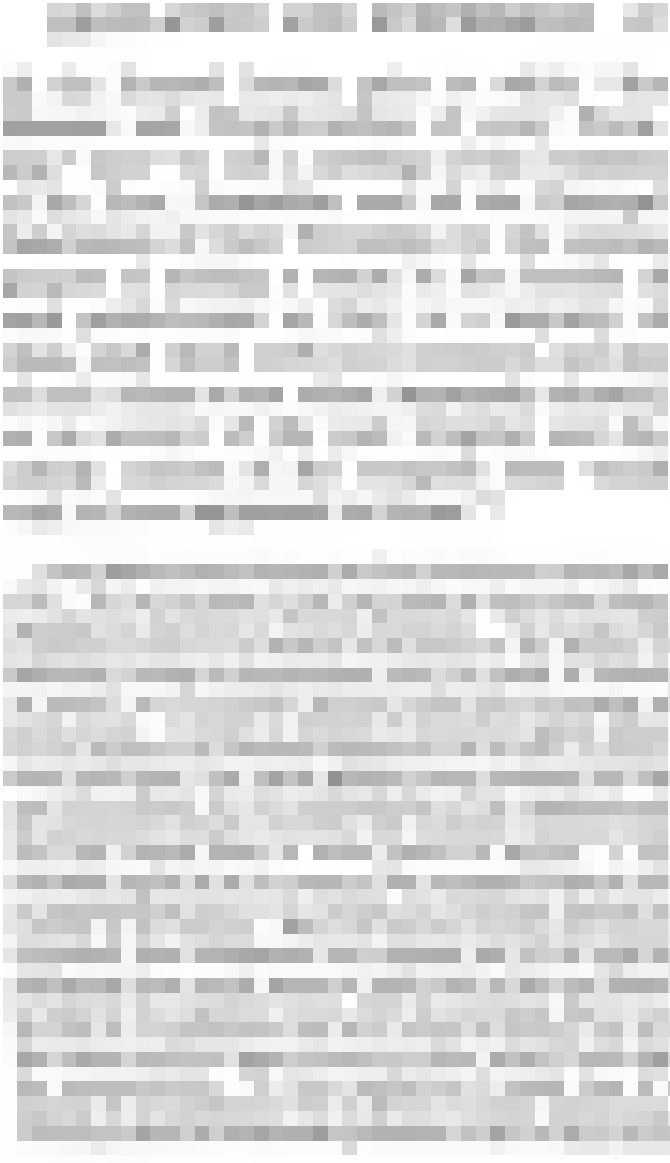
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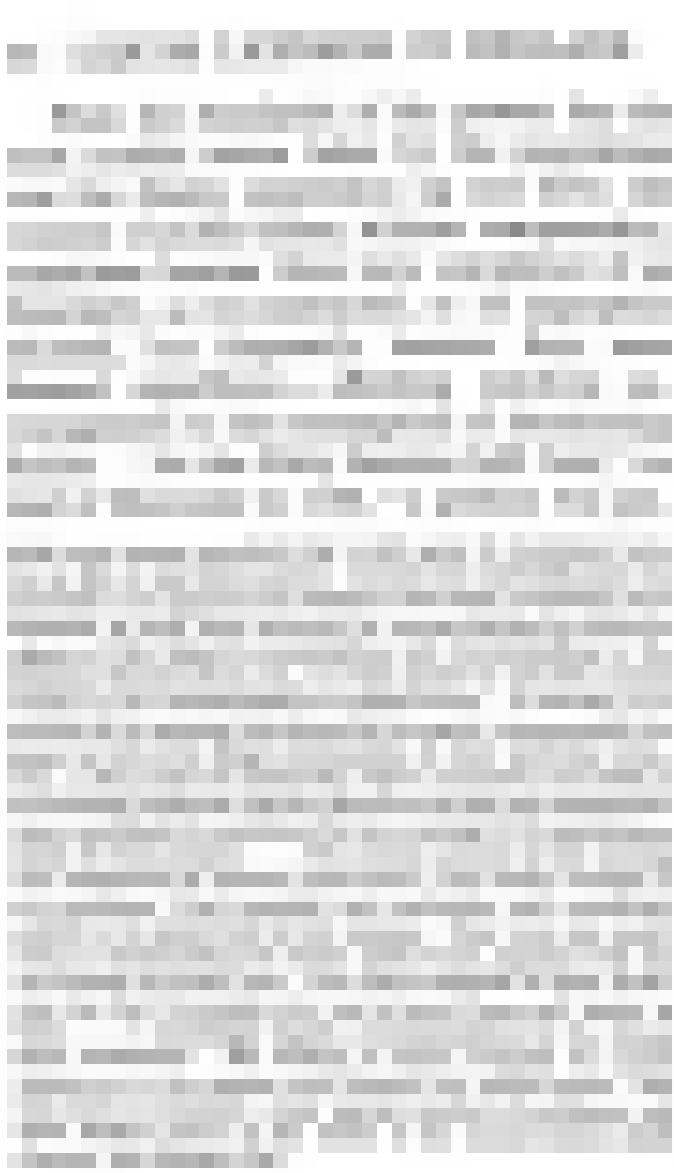
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From the standpoint of the present day the most notable action taken by the magistrates was the drastic suppression up and down the country of public-houses, without compensation, sometimes because these were complained of as disorderly, as ill-constructed, or as improperly situated, but frequently because they were deemed superfluous — affording injurious encouragement to the consumption of intoxicating drinks. "At the Petty Sessions held here," we read of Gloucester in 1786, "a petition was pre-

think most proper, provided they would agree to recommend only two at this or any future period. At this time a printed paper was delivered to me signed by the Justices of the Peace, purporting their intention to exert their authority for accomplishing the desirable objects of His Majesty's proclamation, and recommending to the Minister, Churchwardens, etc., in every parish to use their utmost caution in the recommendation of public-houses. I, therefore, at a meeting of the principal inhabitants of the parish, recommended this paper, as well as the King's proclamation, to their particular attention. I then made the declaration above mentioned, and added as an additional condition that they should never sign any recommendation or certificate for a publican but at a meeting of the parishioners called for that purpose. . . . The persons present at this meeting were unanimous for another public-house; they readily acceded to the conditions I had proposed, and resolutions were accordingly entered in the parish book to that purpose. They were also unanimous in recommending the Crown public-house, together with the one licensed the former year. The reason assigned for their preference was that the person who was to keep it was well known to them. . . . I accordingly signed a recommendation for the houses above mentioned." The Justices, it seems, accepted the parish decision as to the number, and licensed two public-houses. But they had not intended a local popular election of publicans, and chose another person as the holder of the second licence (*Bath Courant*, 18th October 1787).

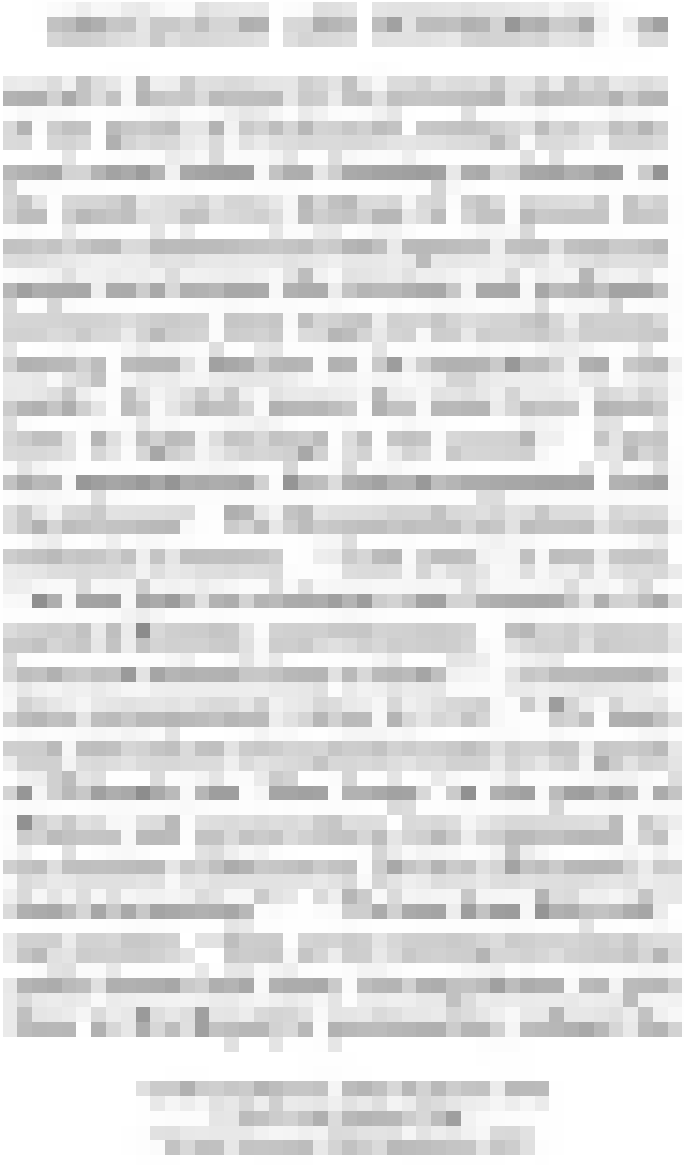


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think most proper, provided they would agree to recommend only two at this or any future period. At this time a printed paper was delivered to me signed by the Justices of the Peace, purporting their intention to exert their authority for accomplishing the desirable objects of His Majesty's proclamation, and recommending to the Minister, Churchwardens, etc., in every parish to use their utmost caution in the recommendation of public-houses. I, therefore, at a meeting of the principal inhabitants of the parish, recommended this paper, as well as the King's proclamation, to their particular attention. I then made the declaration above mentioned, and added as an additional condition that they should never sign any recommendation or certificate for a publican but at a meeting of the parishioners called for that purpose. . . . The persons present at this meeting were unanimous for another public-house; they readily acceded to the conditions I had proposed, and resolutions were accordingly entered in the parish book to that purpose. They were also unanimous in recommending the Crown public-house, together with the one licensed the former year. The reason assigned for their preference was that the person who was to keep it was well known to them. . . . I accordingly signed a recommendation for the houses above mentioned." The Justices, it seems, accepted the parish decision as to the number, and licensed two public-houses. But they had not intended a local popular election of publicans, and chose another person as the holder of the second licence (*Bath Courant*, 18th October 1787).

sented to the Justices by the principal inhabitants of the parish of Pitchcombe, stating that their poor's rates before the licensing an alehouse in the parish were two shillings in the pound, but since two alehouses had been opened the common people have become idle, drunken, and profligate, and have spent their wages in the public-houses, leaving their families to be supported by the parish; by which means the rates have lately risen to eight shillings in the pound." Upon this representation the Justices suppressed both the alehouses.[1] The Gloucestershire Justices were evidently in earnest. "Last year," it was said, "no less than ten alehouses were licensed in the parish of Horseley, near Gloucester. The Justices have now reduced them to three."[2] A Somersetshire correspondent writes in 1787: "We learn that the licences of six public-houses in the parish of Widcomb, the 'Blue Lodge' in the parish of Weston, and several others, were suppressed by the Justices of Bathsorum Division (Somerset) at their late meeting."[3] "We hear from Holywell," says another, "that, at the meeting for licensing public-houses held there, the magistrates, to give force to His Majesty's proclamation, refused the

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renewal of licences to eight public-houses in the town, and several others within their district, which they deemed superfluous, and tending to the increase of immorality and debauchery." [1]

"We are informed that the magistrates have refused licensing seventeen public-houses in Speen Division of Berkshire, and that the magistrates for Wiltshire have put down fifteen public-houses in one division in that county." [2]

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Even stronger action than the suppression of a few unnecessary village alehouses is recorded of the West Riding Justices in the case of a large manufacturing centre. The rapidly growing town of Sheffield, with a rough and turbulent population of cutlers, file-makers, and miners,

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had suffered specially by the multiplication of "dram-shops," which, like those of London, sold large quantities of cheap gin and other spirits. The magistrates acting for that division of the West Riding began by closing them on Sunday,[1] and three months later took the strong step of suppressing them all at one fell swoop.[2] The Devon county magistrates in 1805 took drastic action at Plymouth Dock (now Devonport), at that date thronged with sailors and dockyard workmen, and the largest town in the west of England. Every street had its own series of public-houses and beer shops, which vied with one another in offering music, dancing, and other attractions to attract custom. The 24,000 inhabitants had enjoyed over 200 public-houses, which the Justices suddenly reduced to 100, at the same time ordering each "inn" to have a lamp over its front door, and each "tavern" two lamps.[3]

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Here and there we find a Metropolitan Vestry protesting against the licensing of this or that public-house, or taking action—possibly instigated by the local Justices—to enforce order on licensed premises. Thus, in July 1787, we see the Fulham Vestry earnestly recommending "to the constables and head borough of this parish to be diligent and regular in searching the public-houses, particularly on Sundays; and if any shall be found where tippling is suffered during the time of Divine Service, or gaming or any other disorders or irregularities at any time, to give notice thereof to the magistrates resident in this parish to the intent that the persons keeping such houses may not be again licensed."[2]

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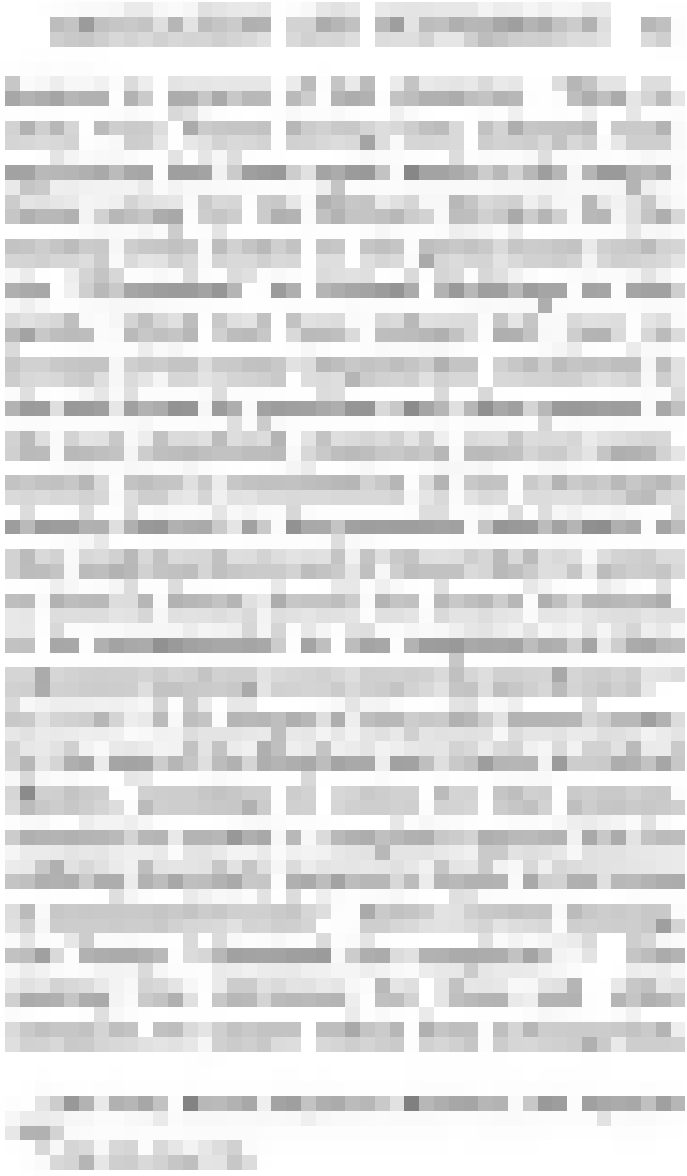
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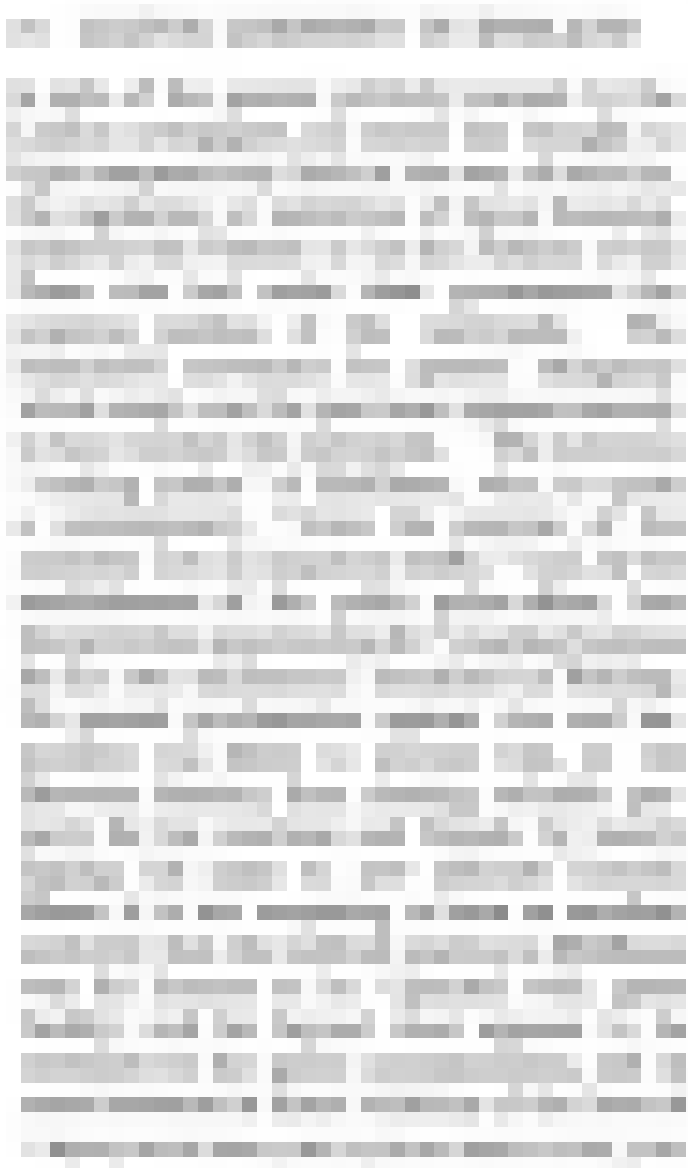
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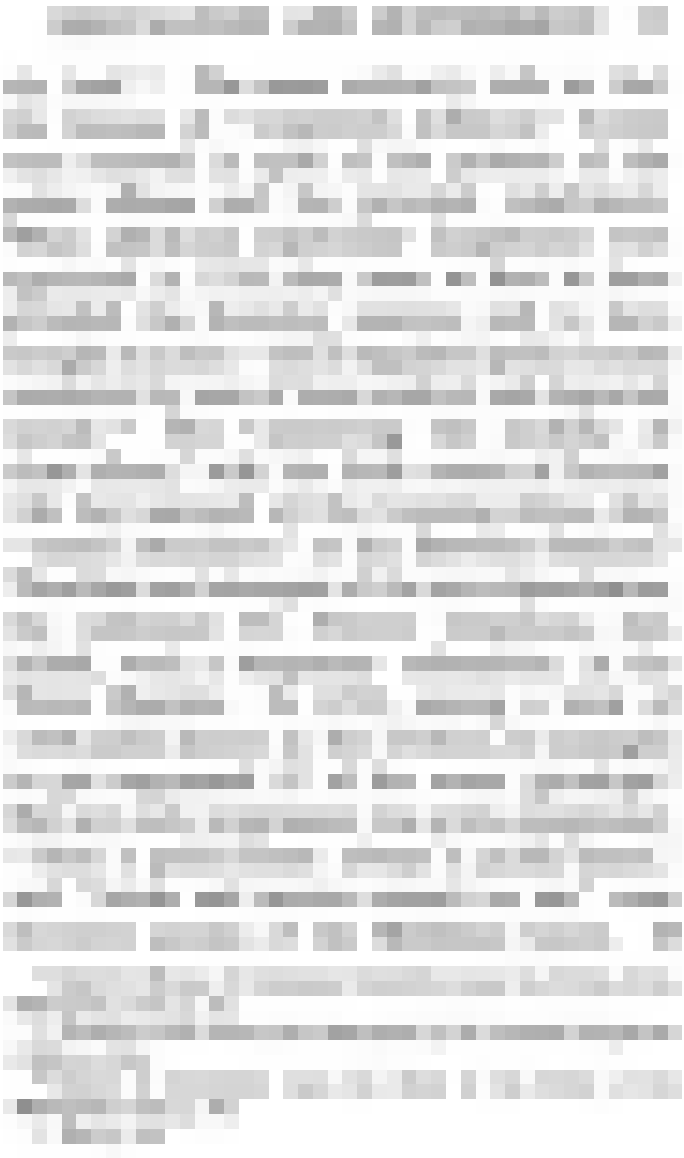
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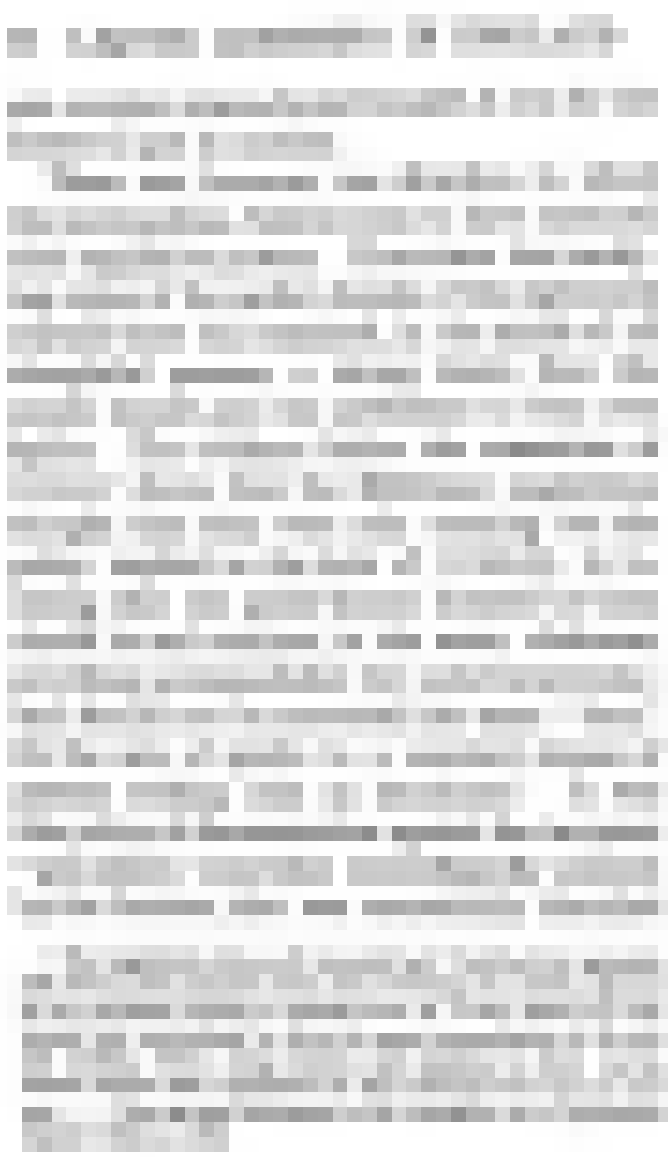
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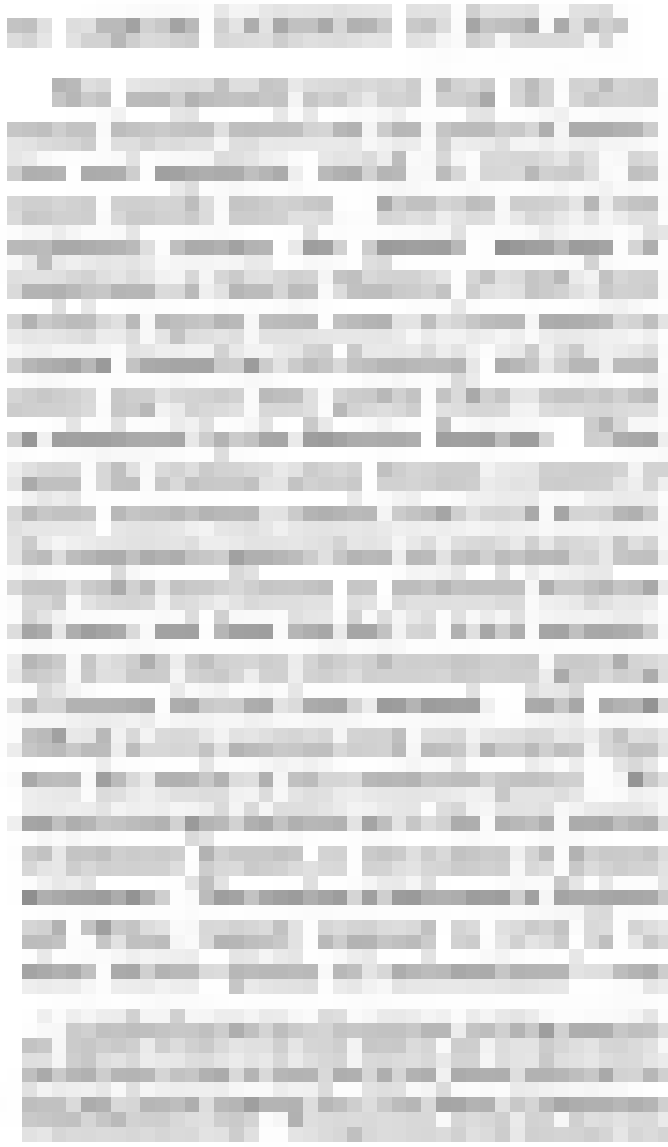


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1779	37,172
1780	36,712
1781	36,033
1782	34,923
1783	34,329
1784	35,176
1785	35,697
1786	36,029
1787	36,675
1788	34,503
1789	33,349
1790	32,850

The population went on increasing by leaps

altogether not less than 100,000 licensed houses for a population of fewer than eight millions.

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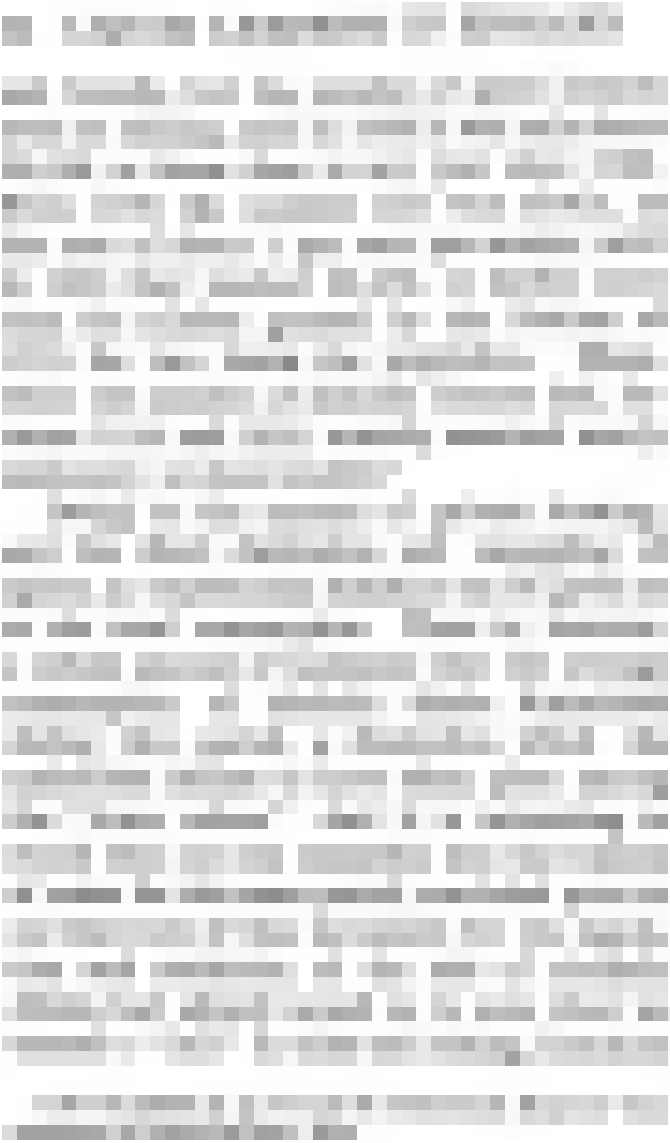
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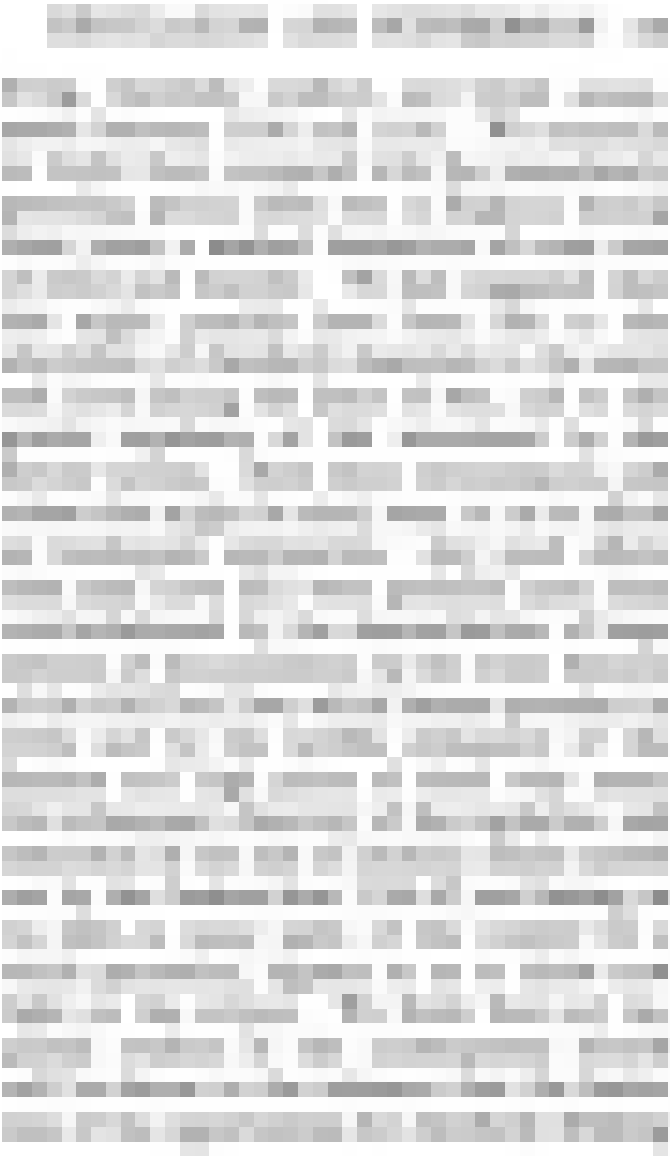
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CHAPTER IV

FREE TRADE IN THEORY AND PRACTICE

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To the Whigs, and still more to the rising school of philosophic Radicals, the arbitrary authority vested in the Justices of the Peace was in itself an offence. They vehemently resented the fact that unrepresentative bodies, like the magistrates in Brewster Sessions, could, without appeal, deprive the working-man of his beer, the honest publican of his means of livelihood, and the brewer of his property, out of mere caprice, and not without grave suspicions

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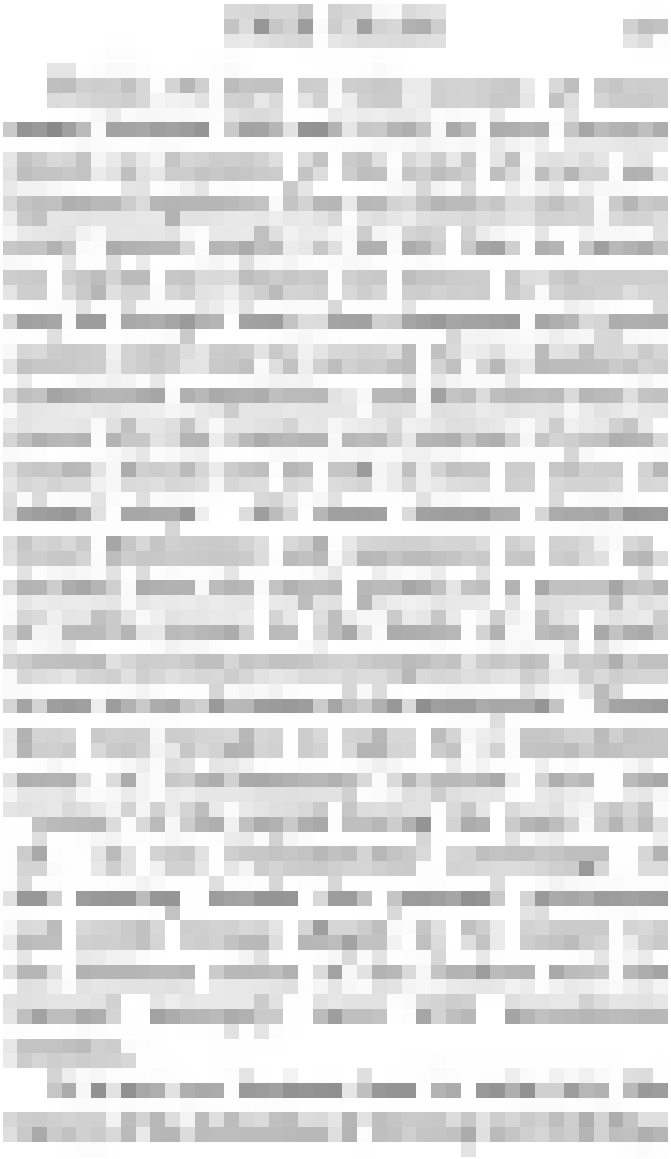
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Finally, we have to take account of what seems, between 1820 and 1830, to have become almost an obsession of the mind of every enlightened legislator, Tory and Radical alike, that every person ought to be left free to invest his capital and employ his talents in whatever way he thought best; that cheapness and good quality could only be secured by an absolutely unrestricted competition; and that there was no reason why the number and position of public-houses should not be left as free as those of bakers' shops. All these abstract doctrines found illustrations and arguments in two undoubted facts, the rapid growth of a monopoly of public-houses in the hands of the great brewers, and the proved corruption of the Justices in one or two divisions of the metropolis. These facts were brought to light by a remarkable series of Parliamentary inquiries into the "police" of the capital during the years 1816-18. In the Parliamentary proceedings of the ensuing decade the personal grievances and public wrongs alleged to be caused by the arbitrary action of the Justices and the brewers' monopoly recur with monotonous iteration.

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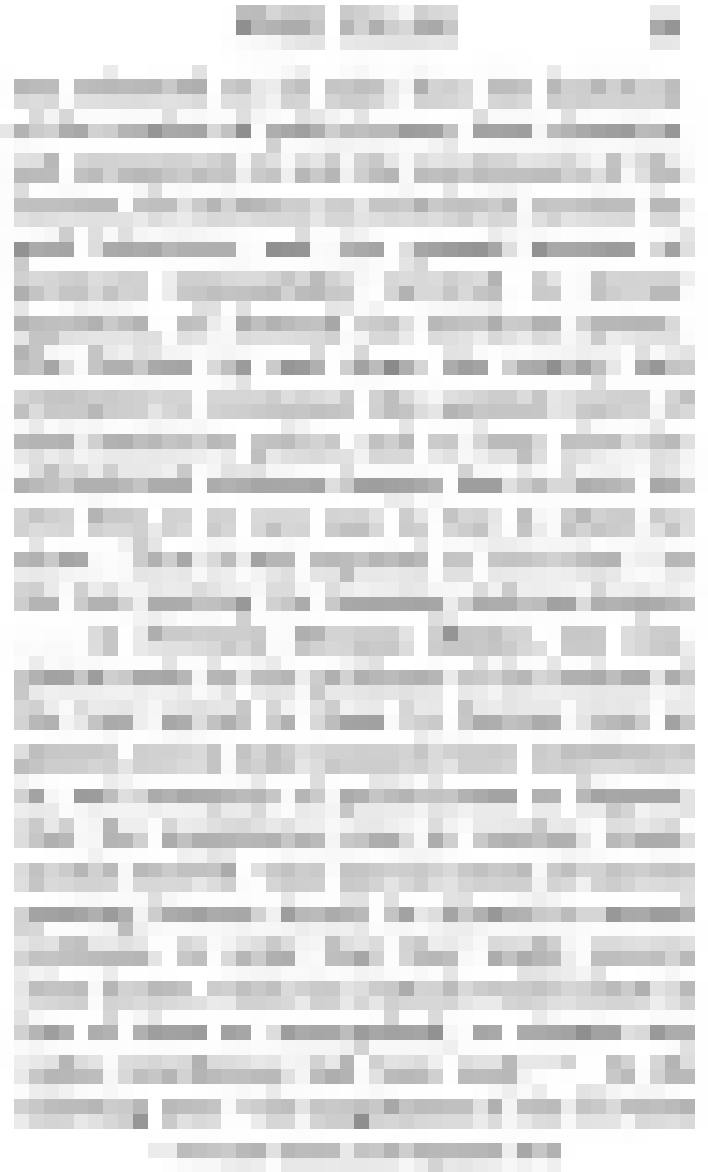
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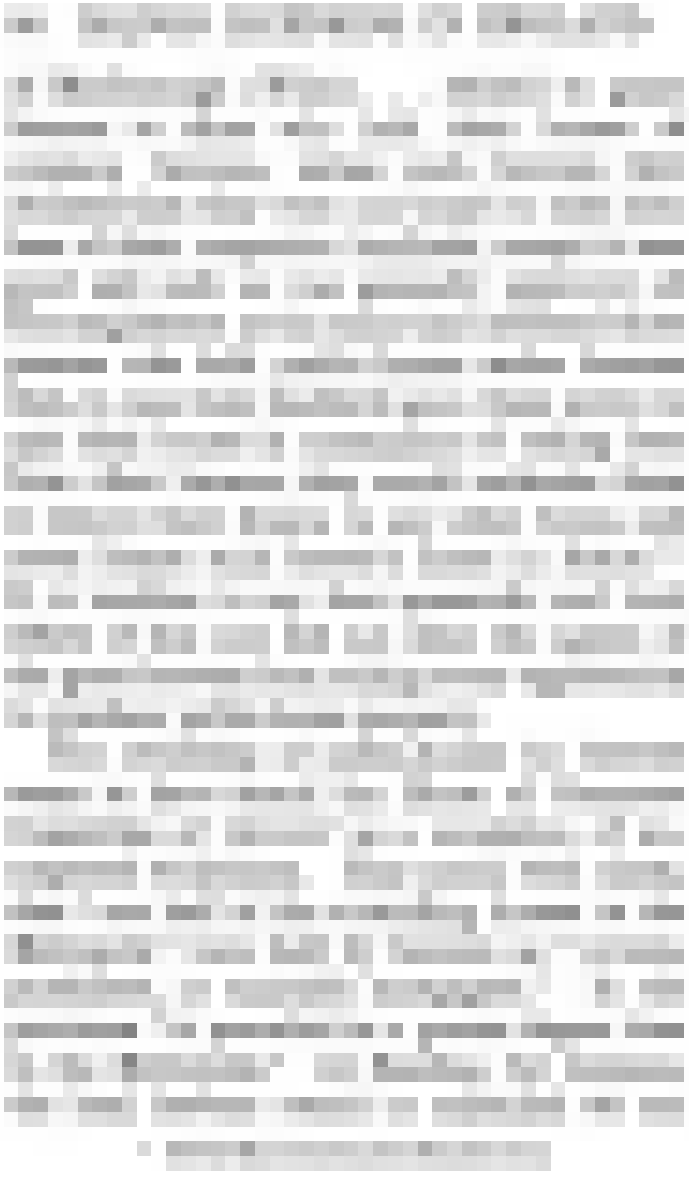
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of 68 licences.[1] To the House of Commons Committee of 1816-17, the most objectionable feature of this monopoly was not any effect which it may have had on the consumption of drink or social disorder, but "the restricted power which the public at large possess of employing their capital in the trade of victualling houses."[2] The Committee would not inquire whether or not, as a matter of fact, the houses belonging to brewers were better constructed and better regulated than those which were "free"; or whether the commodity which the great brewers supplied as the product of a highly organised industry, using the newest improvements on a large scale, was or was not at least equal in quality and cheapness to that which the old-fashioned little alehouse-keeper had brewed for himself. The evidence on these points brought by the brewers before this and subsequent committees was left unrefuted.[3] To

[1] Report of Select Committee on the Police of the Metropolis, 1817, p. 10. An Excise return of 1816 stated that, out of the total of 48,000 licensed alehouses in England and Wales, 14,200 actually belonged to brewers, 10,800 to the occupiers, and 22,700 to disinterested persons. This, however, took no account of the "tie by indebtedness."

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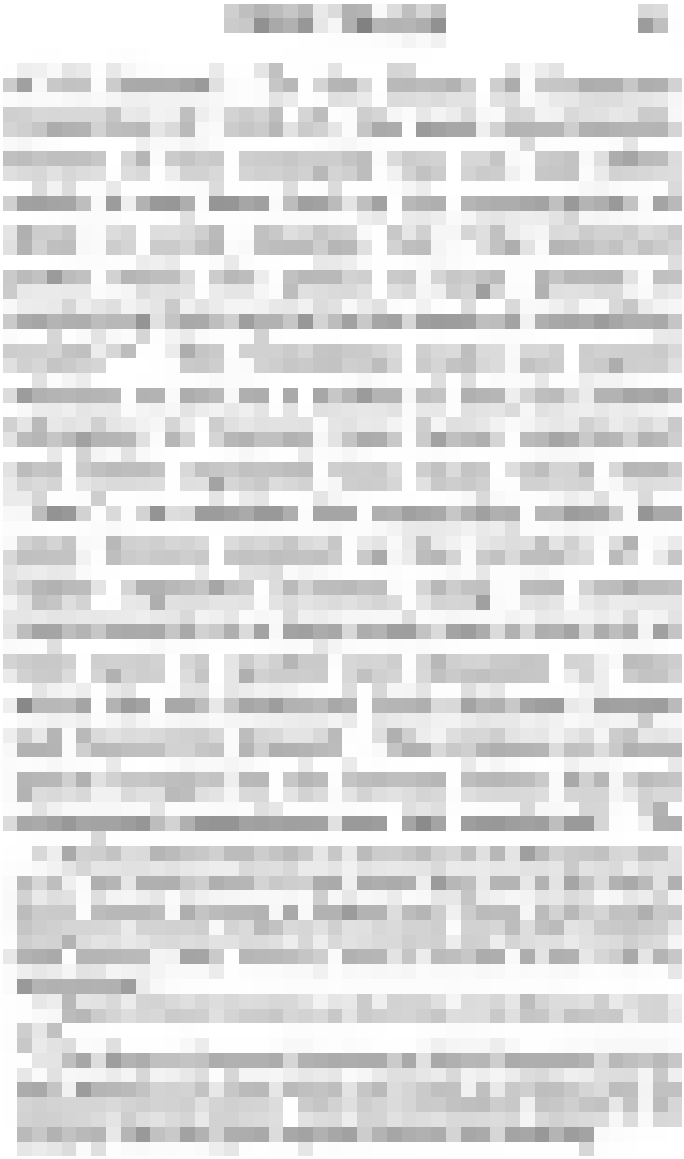
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of 68 licences.[1] To the House of Commons Committee of 1816-17, the most objectionable feature of this monopoly was not any effect which it may have had on the consumption of drink or social disorder, but "the restricted power which the public at large possess of employing their capital in the trade of victualling houses."[2] The Committee would not inquire whether or not, as a matter of fact, the houses belonging to brewers were better constructed and better regulated than those which were "free"; or whether the commodity which the great brewers supplied as the product of a highly organised industry, using the newest improvements on a large scale, was or was not at least equal in quality and cheapness to that which the old-fashioned little alehouse-keeper had brewed for himself. The evidence on these points brought by the brewers before this and subsequent committees was left unrefuted.[3] To

[1] Report of Select Committee on the Police of the Metropolis, 1817, p. 10. An Excise return of 1816 stated that, out of the total of 48,000 licensed alehouses in England and Wales, 14,200 actually belonged to brewers, 10,800 to the occupiers, and 22,700 to disinterested persons. This, however, took no account of the "tie by indebtedness."

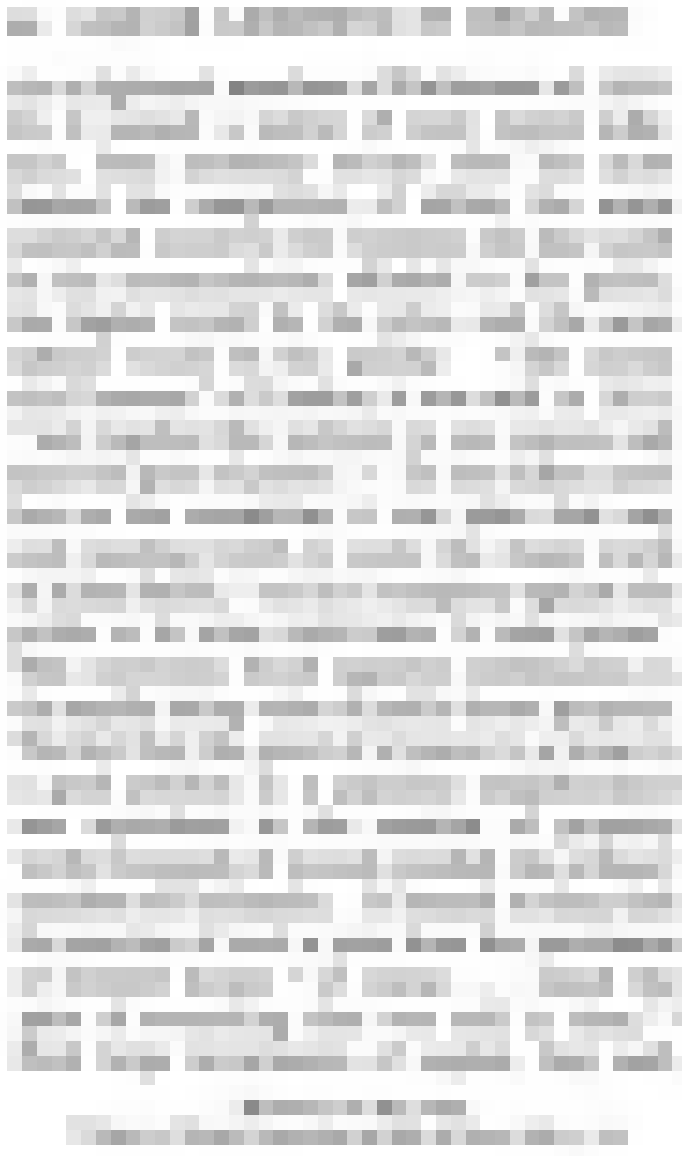
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The second fact which influenced public opinion against the restrictive policy of the Justices was the obvious breakdown of the Middlesex bench. This breakdown was, we may here explain, a general one, affecting not licensing alone but all their functions; and resulting, as our investigations show, from the inherent inadequacy of this type of authority for the circumstances of an overgrown capital city. The chairman of the committee, a fanatical believer in freedom of trade in alcoholic drinks,

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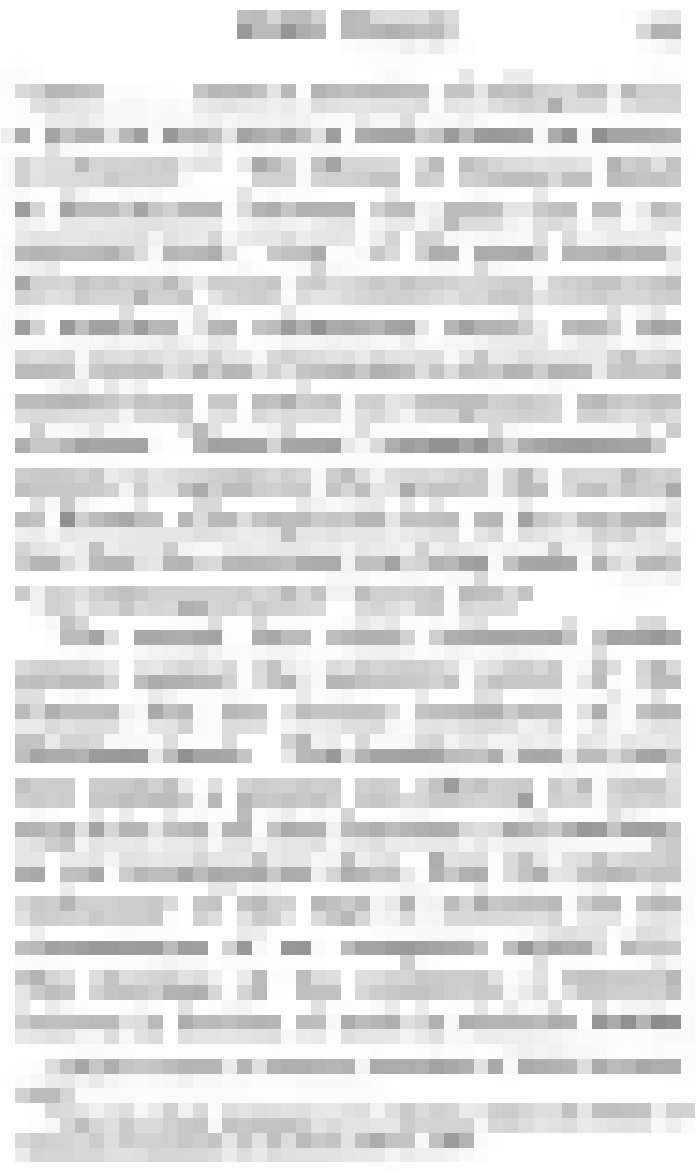
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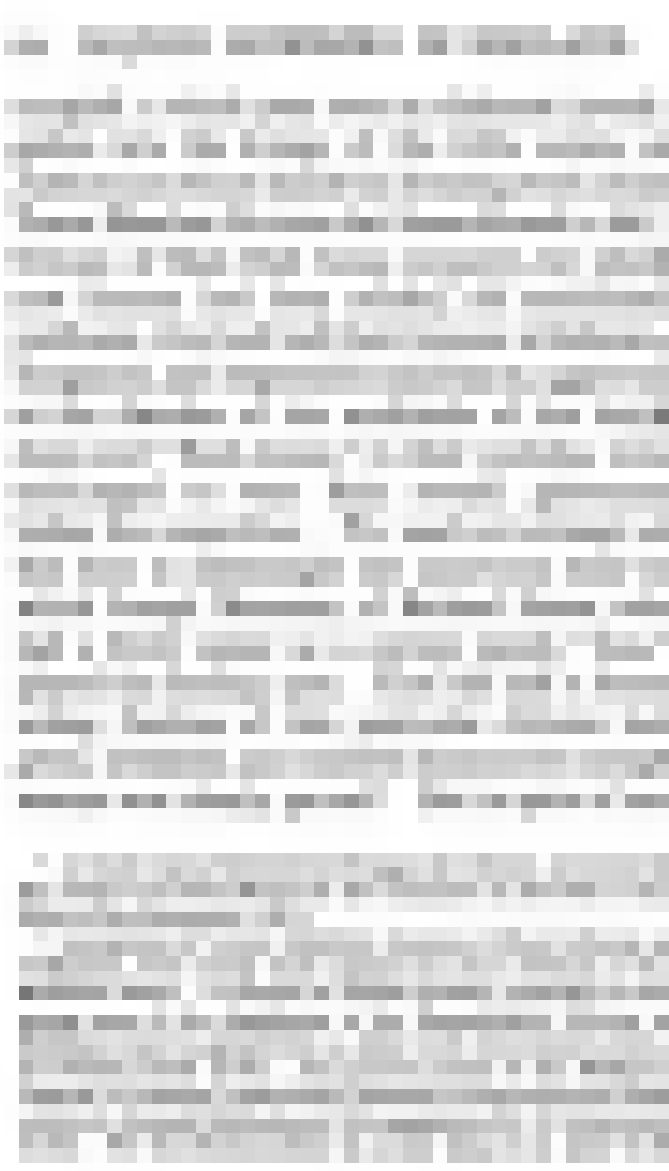
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The outcome of this one-sided investigation was a report which, in effect, pronounced against the control of the liquor traffic by the Justices of the Peace. The essential feature of the licensing system, on which Parliament had, since 1743, relied, was the genuine exercise of the free discretion of the Justices in regard to their threefold power of selection, power of withdrawal, and power of imposing conditions. It was in the

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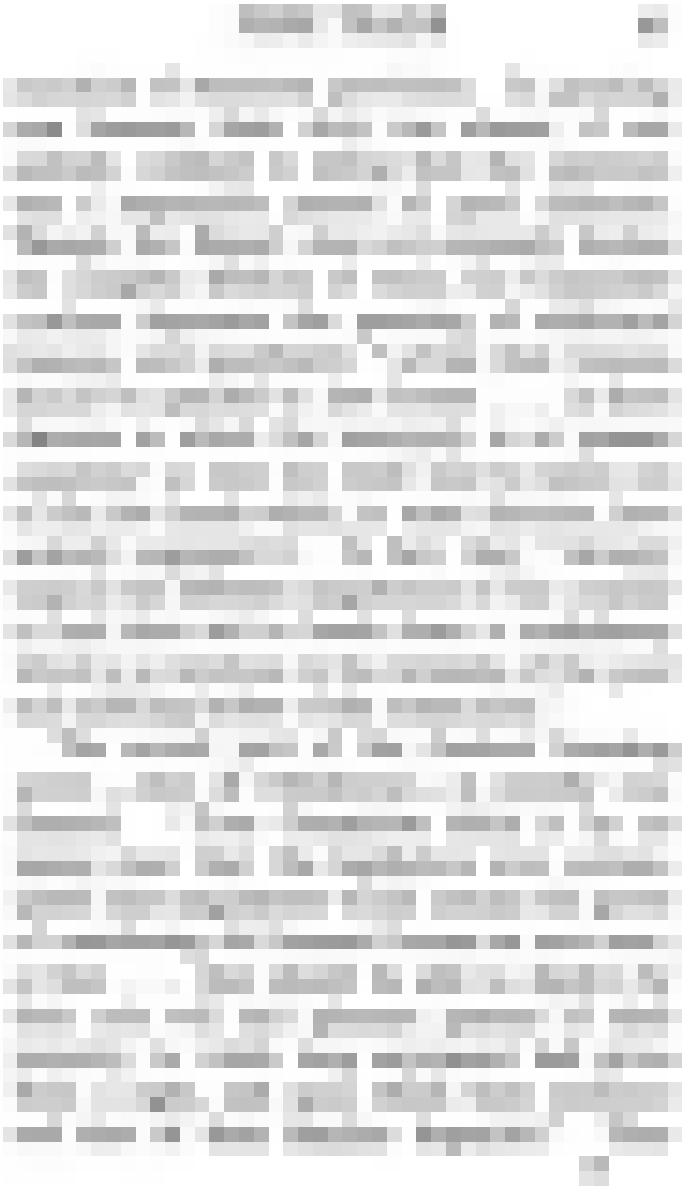
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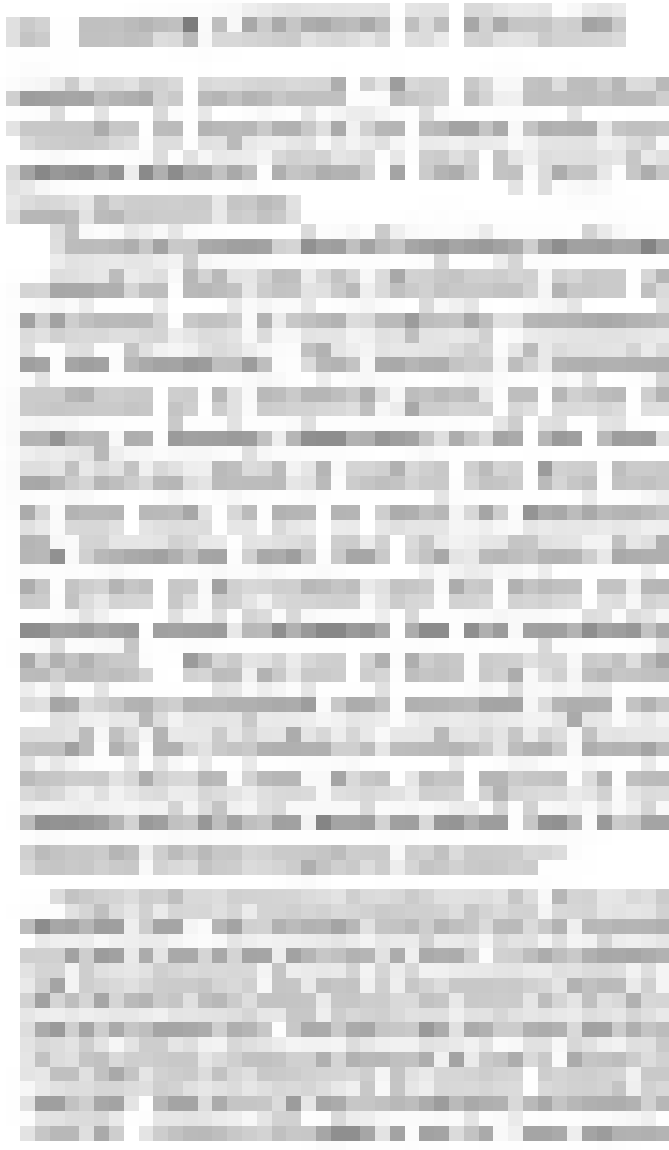
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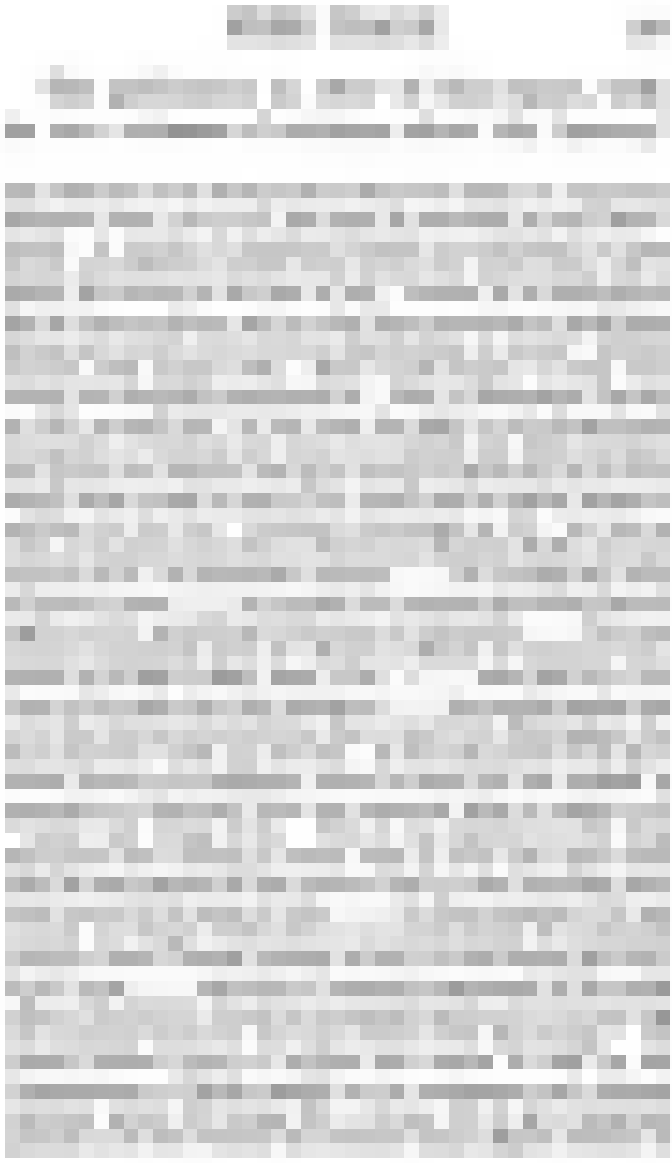
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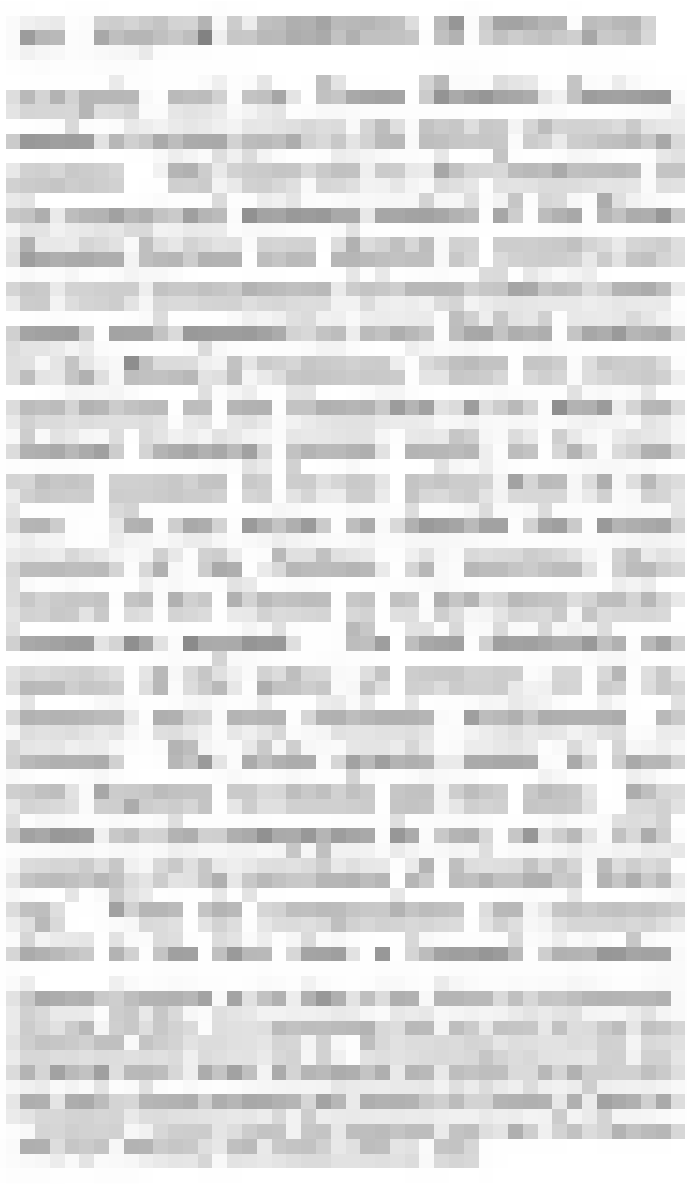
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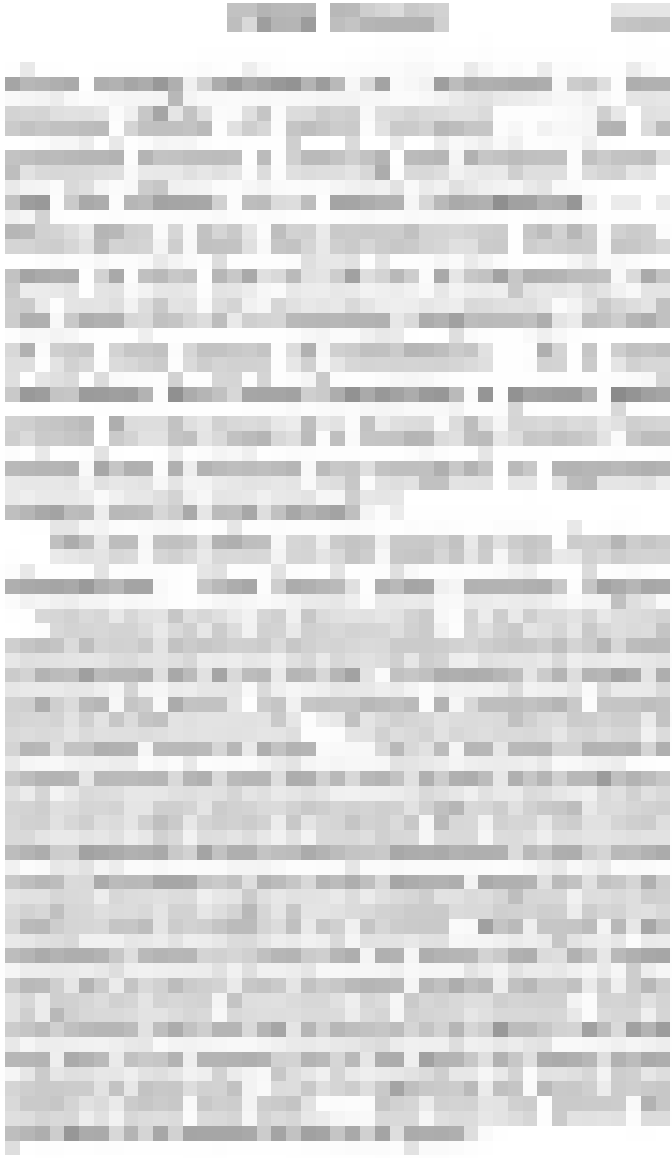
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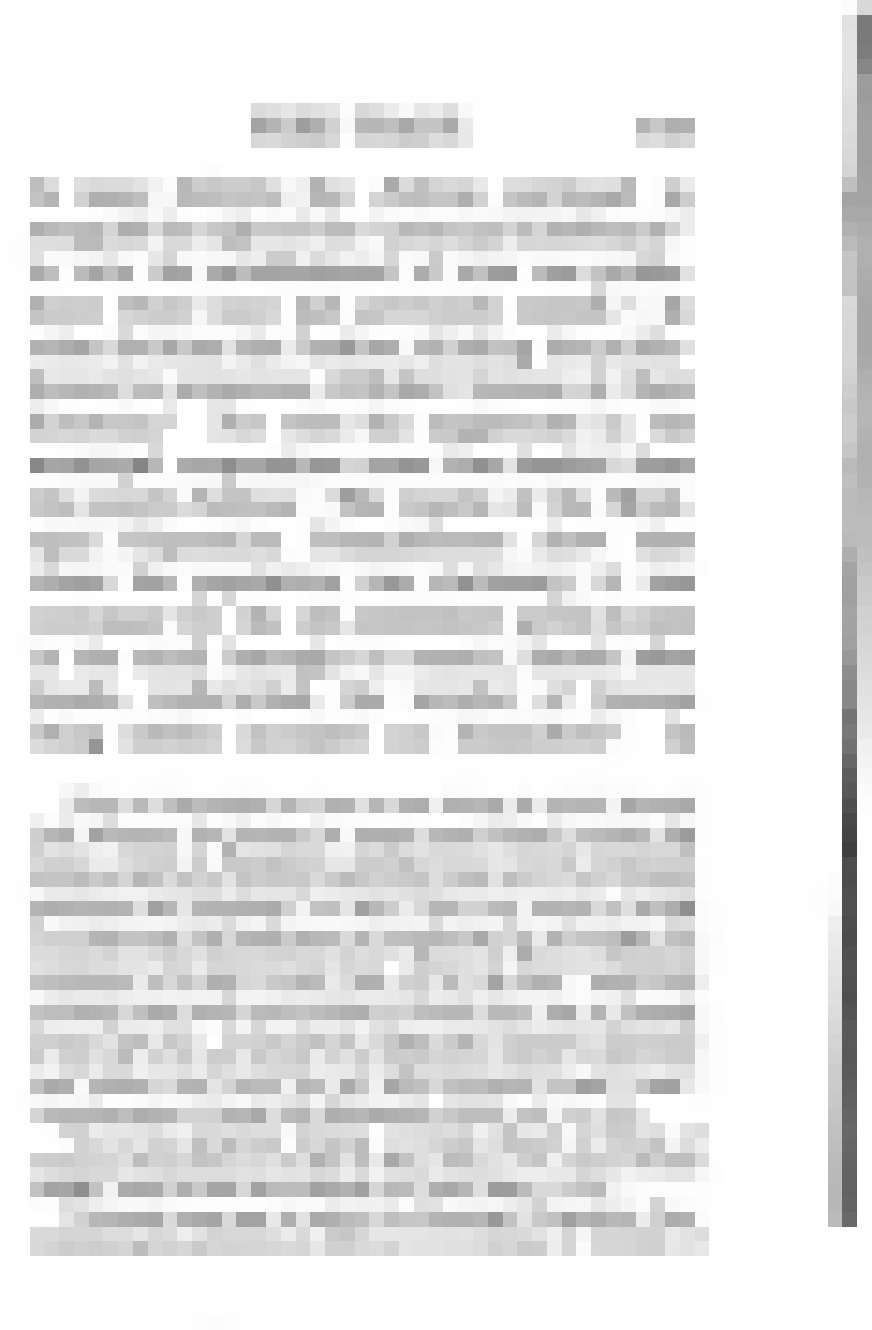


In many districts the Justices continued to recognise the right of the "principal inhabitants" to veto the establishment of even one public-house where none had previously existed.[1] In other divisions the Justices, thinking the public-houses too numerous, withdrew licences at their discretion.[2] Nor were the magistrates in the municipal corporations more free-handed than the county Justices. The reports of the Municipal Corporation Commissioners show that where the population was stationary, it was customary for the old-established public-houses in the small boroughs to remain, decade after decade, undisturbed, the number of licences being neither increased nor diminished.[3] In

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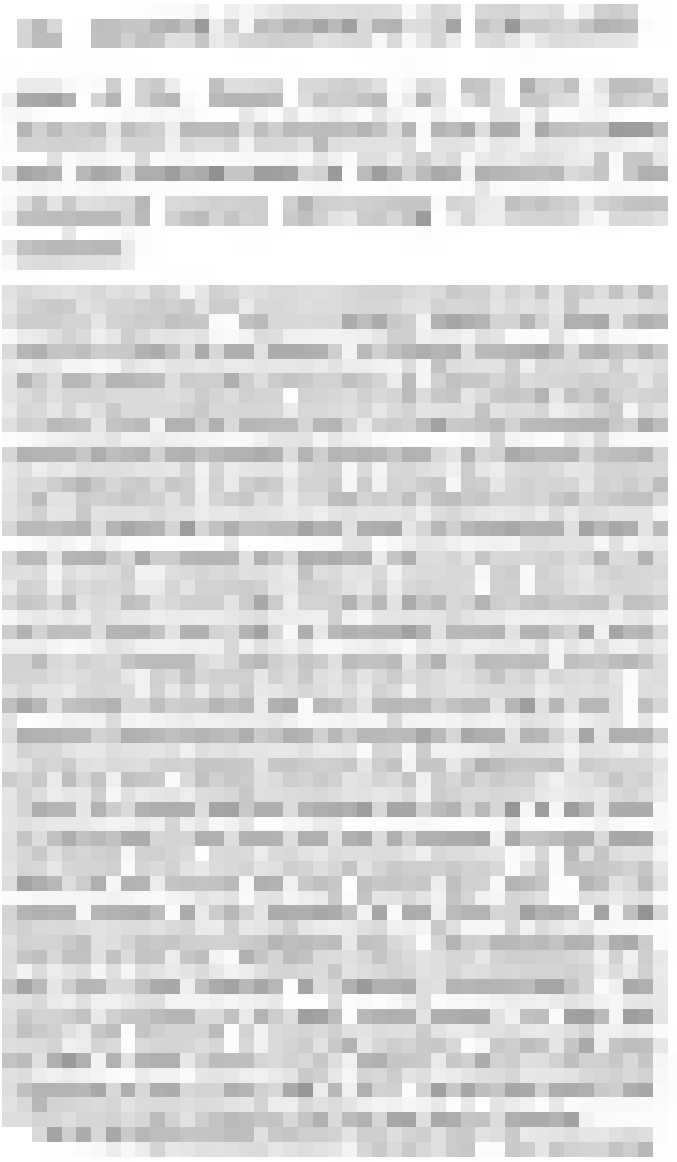
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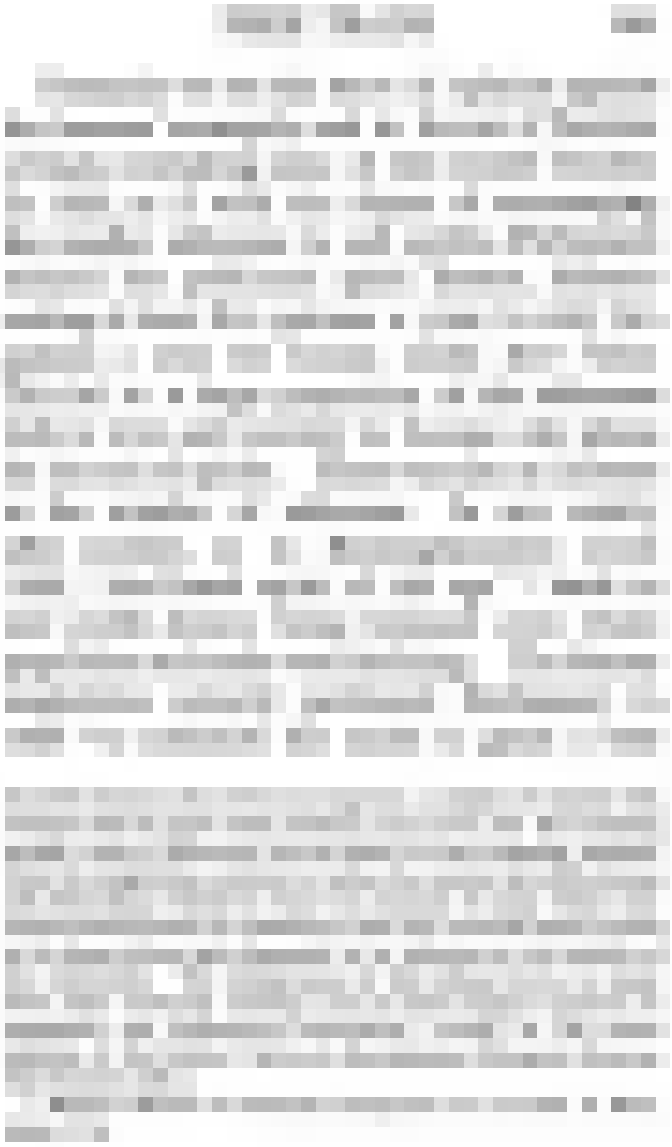
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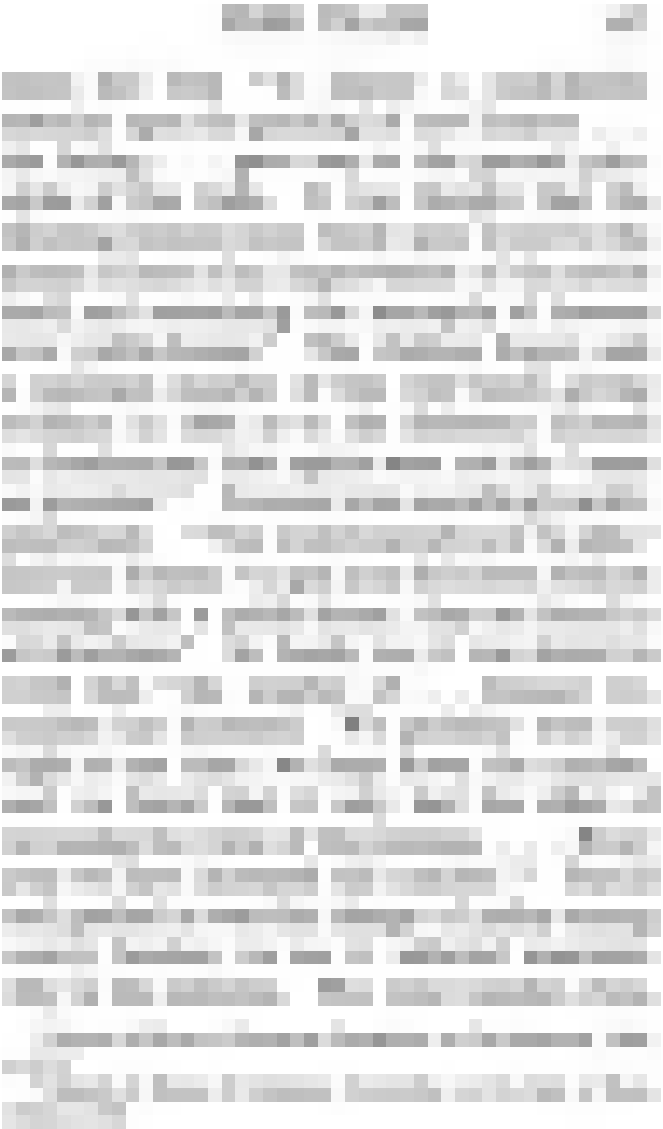
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Meanwhile the agitation in favour of freedom of trade in alcoholic liquors was steadily growing in the House of Commons. Those who take the trouble to read the parliamentary proceedings from 1818 to 1830 become aware, alongside of the more sensational episodes of the time, of a persistent clamour by a small knot of people against the Justices' control of the liquor traffic. This took many forms. Pathetic petitions from persons distressed at the withdrawal of their licences were laid before the House, and these hard cases were dilated on by Ministers as well as by private members. Owners of house property and newly established brewers found Free Traders in the lobby ready to hear their tales of new licences unwarrantably refused. Old-established publicans were sympathetically listened to when they complained of being ordered to close their houses on Sundays or at fixed hours at night, or to provide a parlour, a fire, and a newspaper, whilst disorderly coffee-

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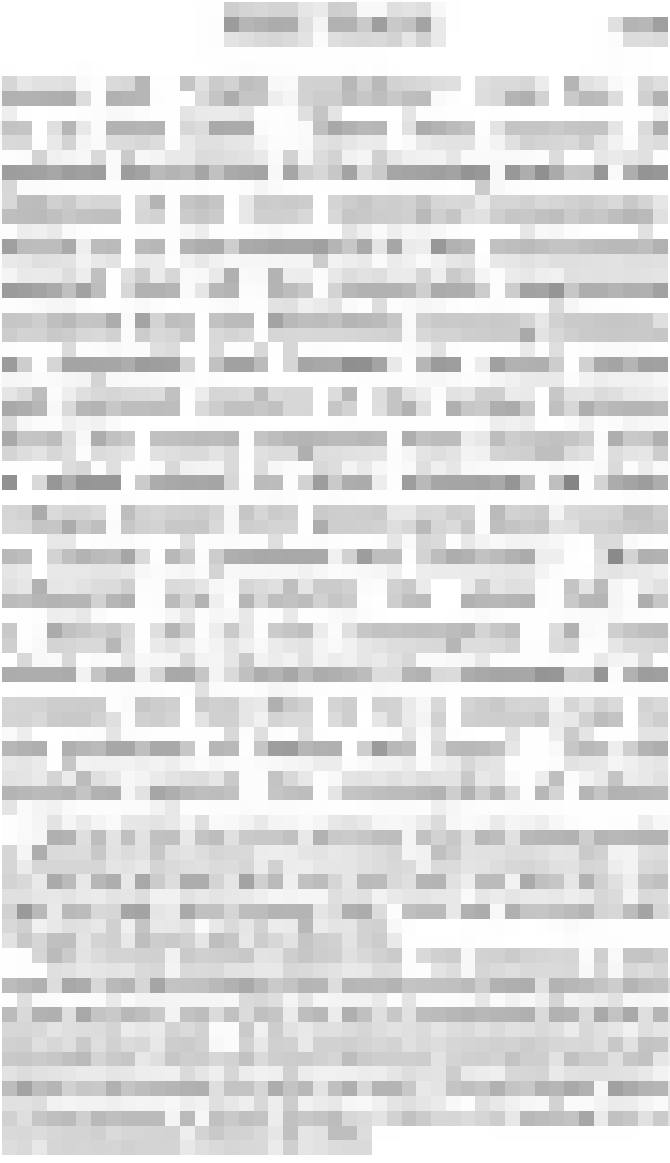
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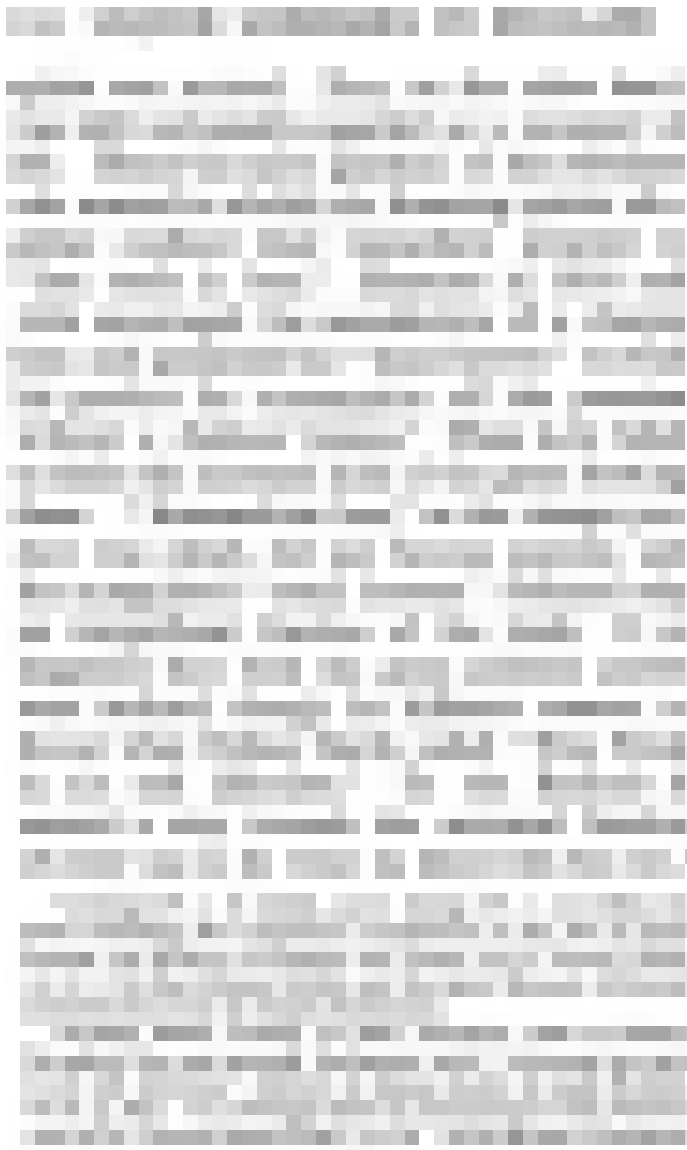
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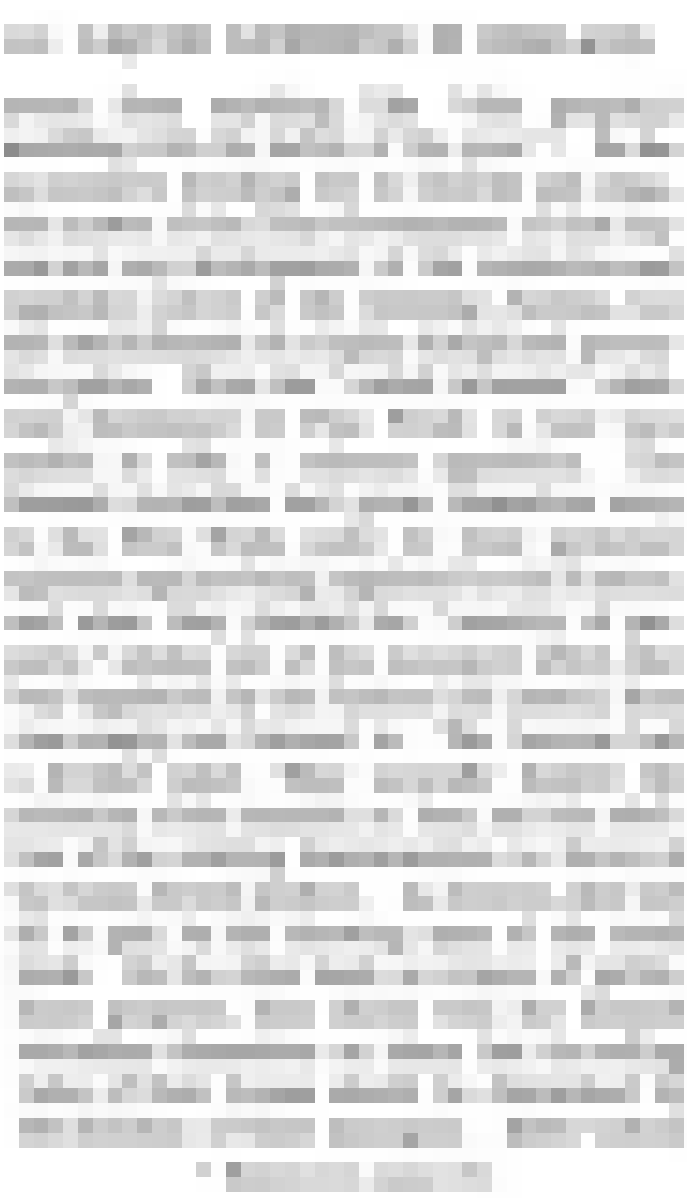
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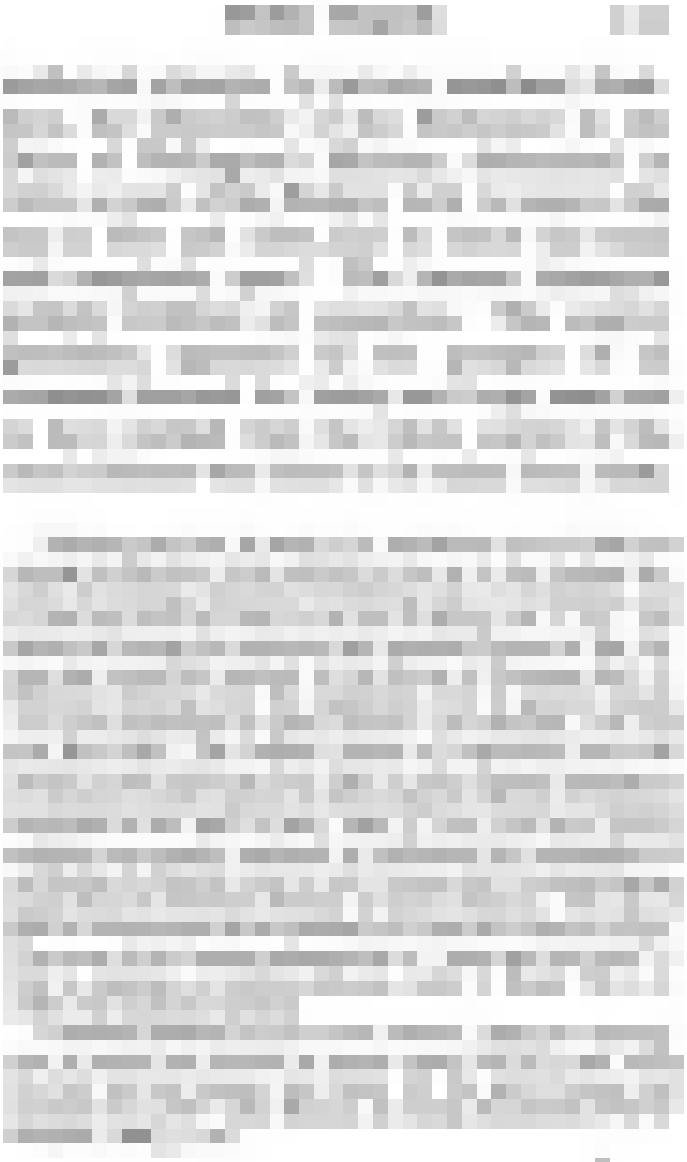
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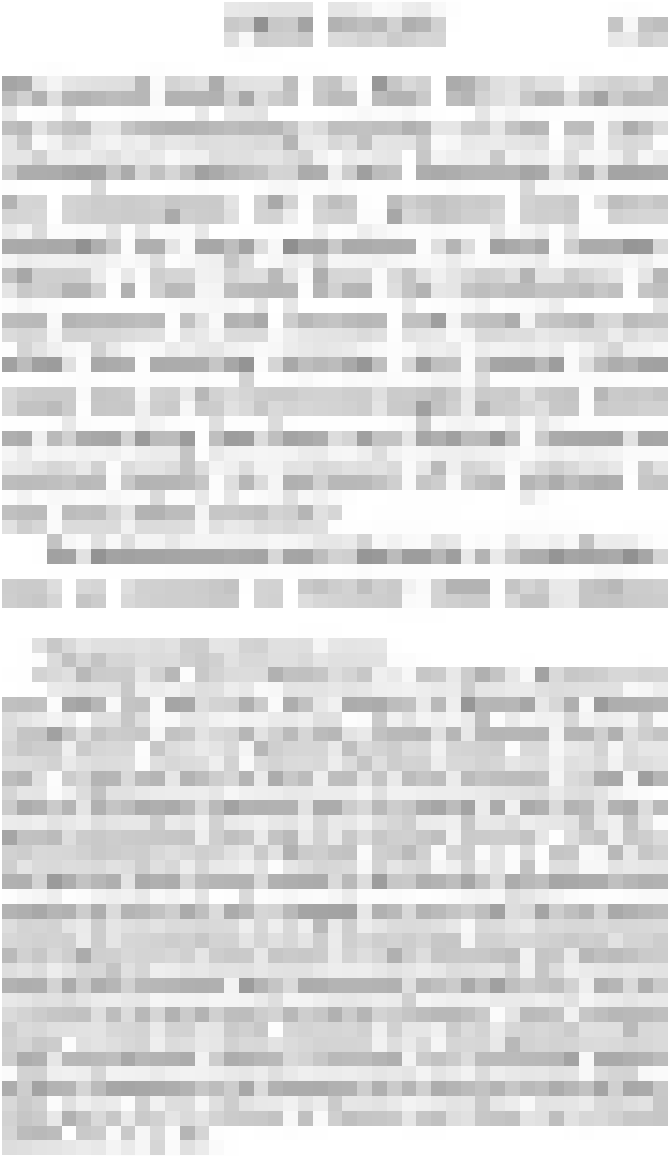
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The second reading of the Beer Bill was carried by the overwhelming majority of 245 to 29.[1] Attempts to restrict the new beer-shops to sales for consumption off the premises only were defeated by large majorities in both houses. Within a few weeks from the introduction of the measure it had become law that, from and after the ensuing autumn, any person whose name was on the rate-book might open his house as a beer-shop free from any Justices' licence or control, merely on payment of two guineas to the local office of excise.[2]

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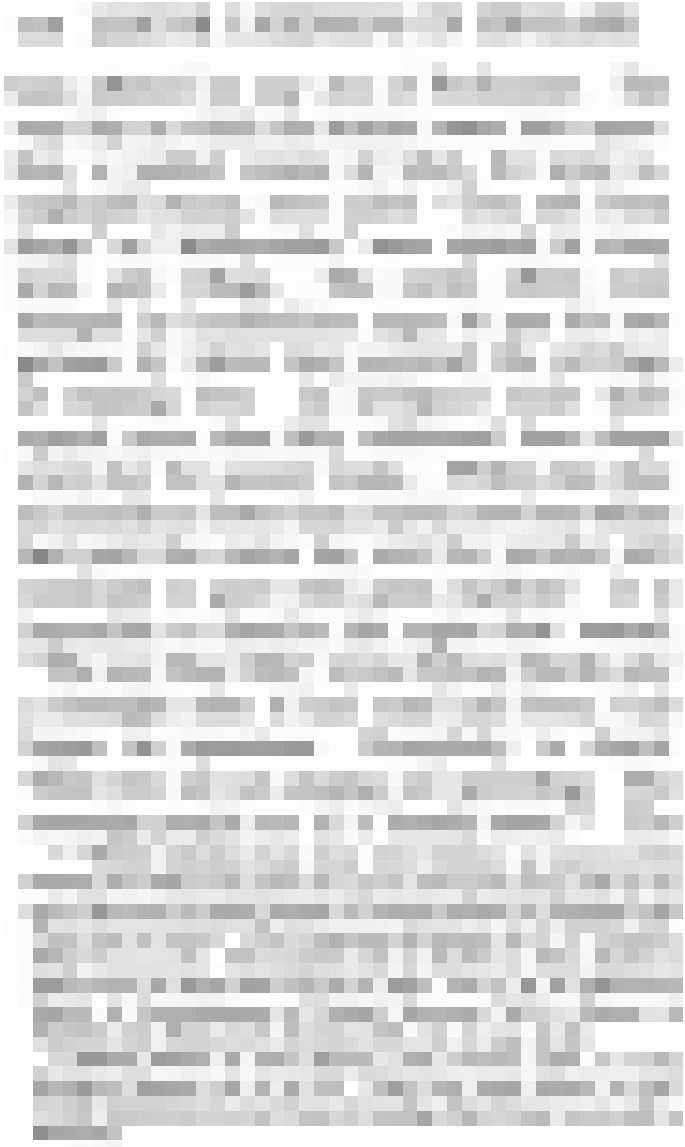
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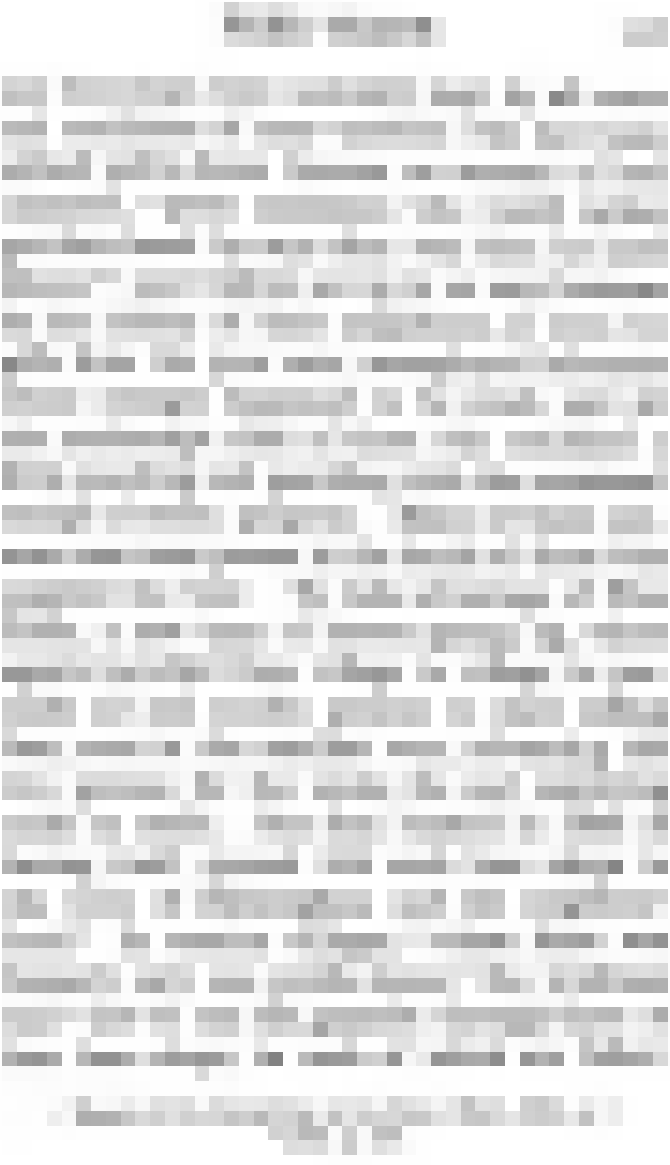
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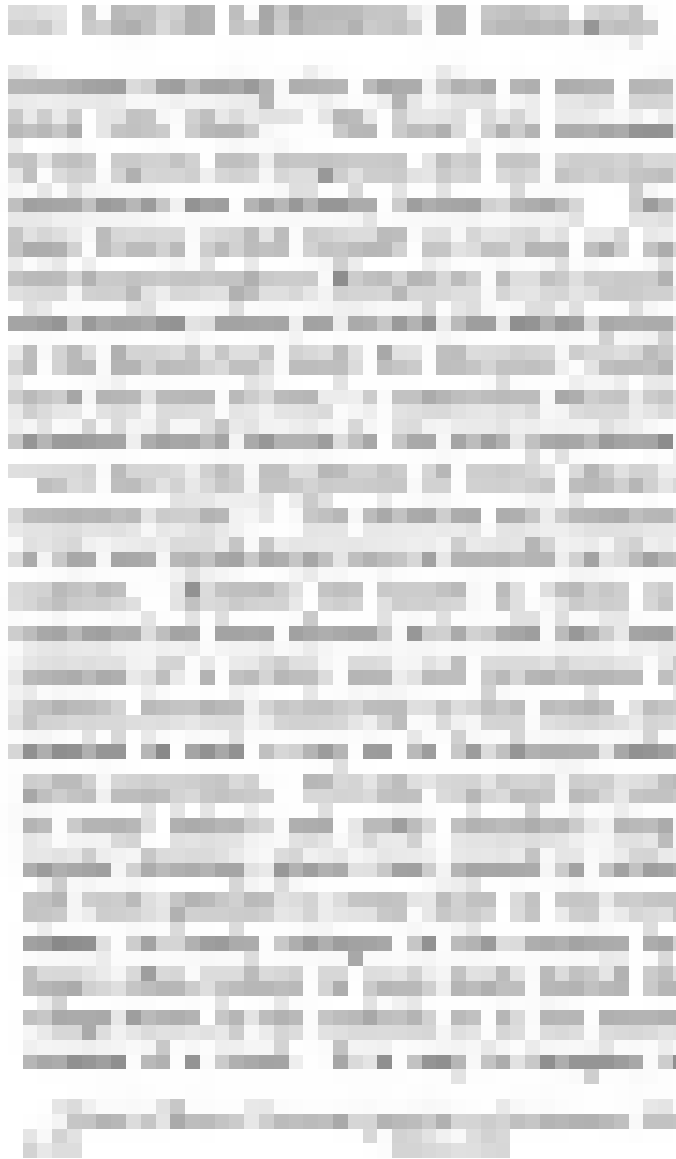
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[2] Apart from the profit to the public revenue, and to the growers of barley and hops involved in the greater consumption of beer, the only thing that can be said in favour of the new beer-houses seems to be that they did multiply the facilities for lodging the travelling artisan or poor pedestrian, a kind of accommodation which had in some places been deficient (see the experiences given in Bamford's *Early Days*).

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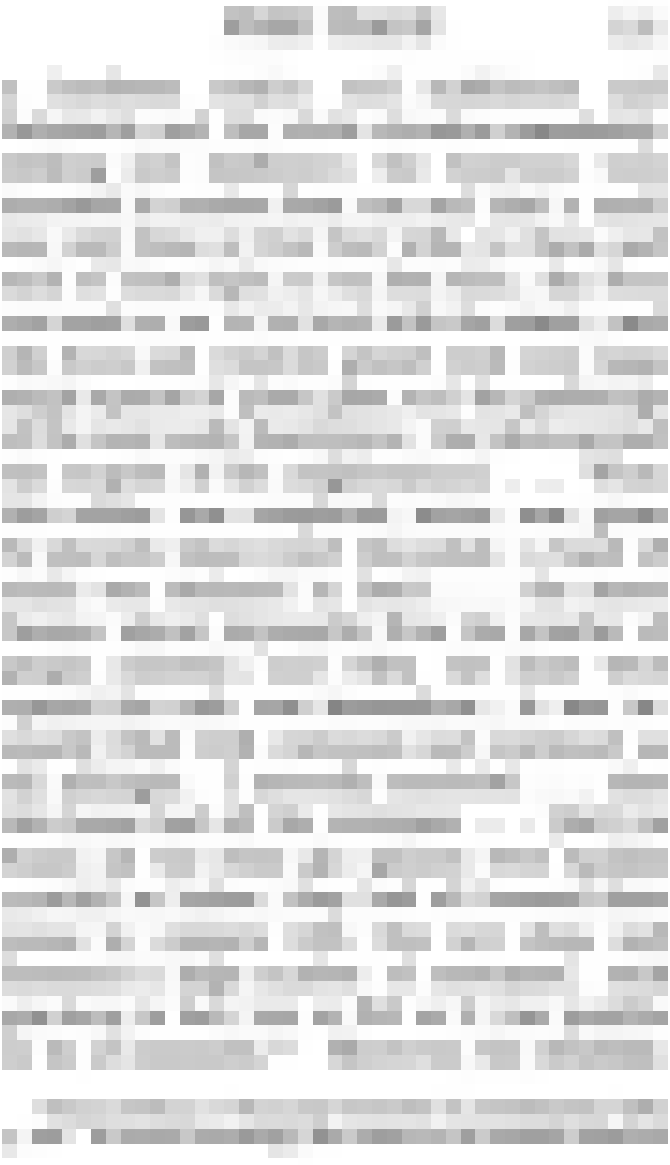
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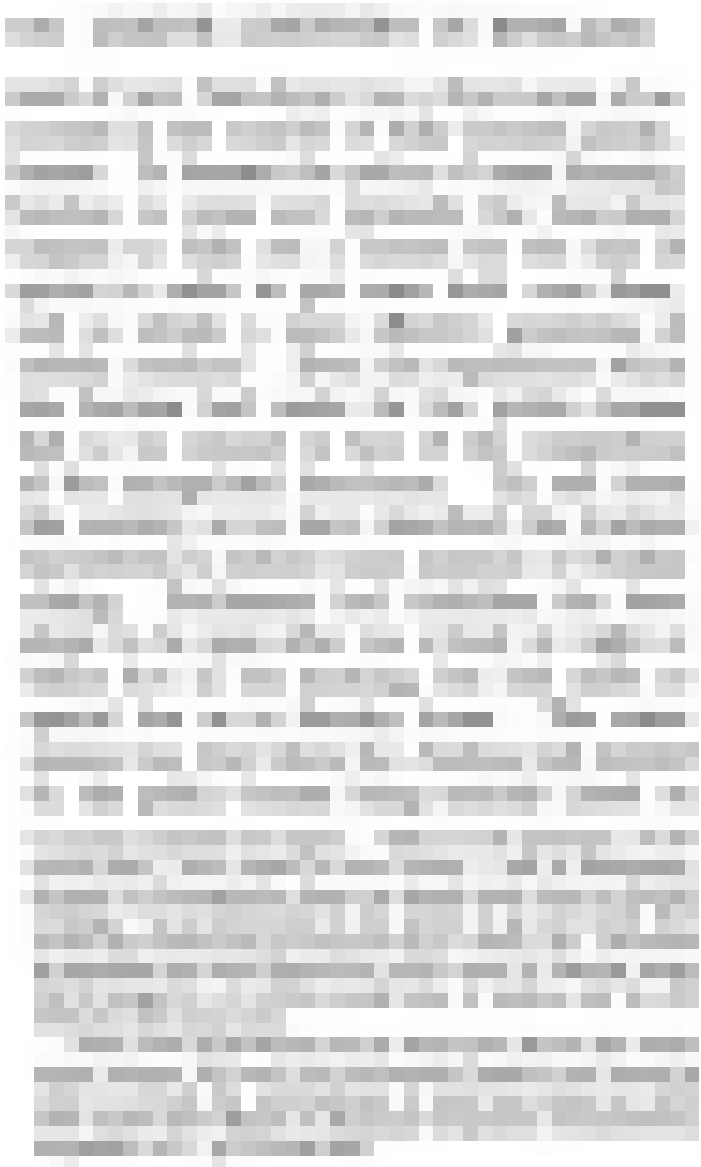
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Petitions from Justices and clergymen, churchwardens and overseers, vividly described the horrors of the new trade—the tippling, the late hours, the noise and disorder, the indiscriminate intercourse of young and old and both sexes, the music and dancing, the gambling, the receiving of stolen goods or the proceeds of poaching, the filling of the prisons and the raising of the poor rates—and beseeched the House of Commons for an immediate repeal of the Act.[3]

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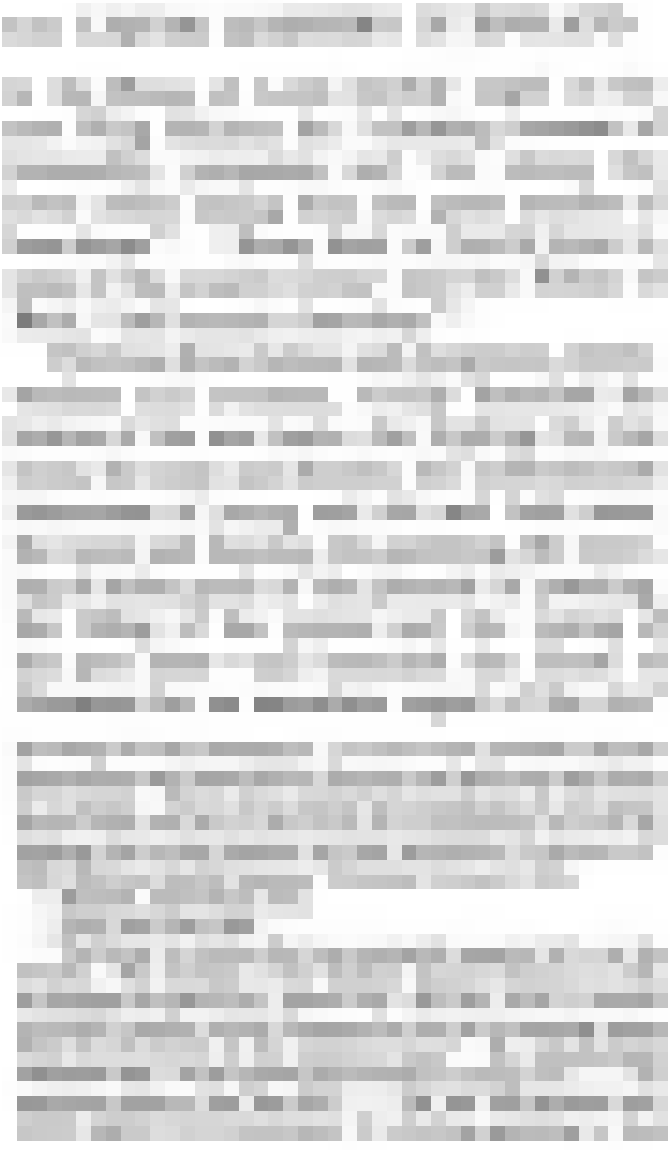
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CHAPTER V

LEGISLATIVE REPENTANCE

We are not in a position at present to carry beyond the passage of the Beer Act of 1830 our detailed description of the development of the English licensing system. When we have completed the first volumes of our *History of Local Government*, bringing the story down to the reforms of 1832-35, we hope to be able to continue our investigations down to the end of the nineteenth century. In due course, therefore, we anticipate an interesting voyage of discovery among sessions records and local newspapers, controversial pamphlets and other contemporary documents from which we shall hope to describe other interesting experiments in licensing policy, and as far as possible chronicle their results. Meanwhile, in order just to round off the present fragment of history, we append a few paragraphs of extremely superficial survey of the legislative repentance since the Act of 1830.

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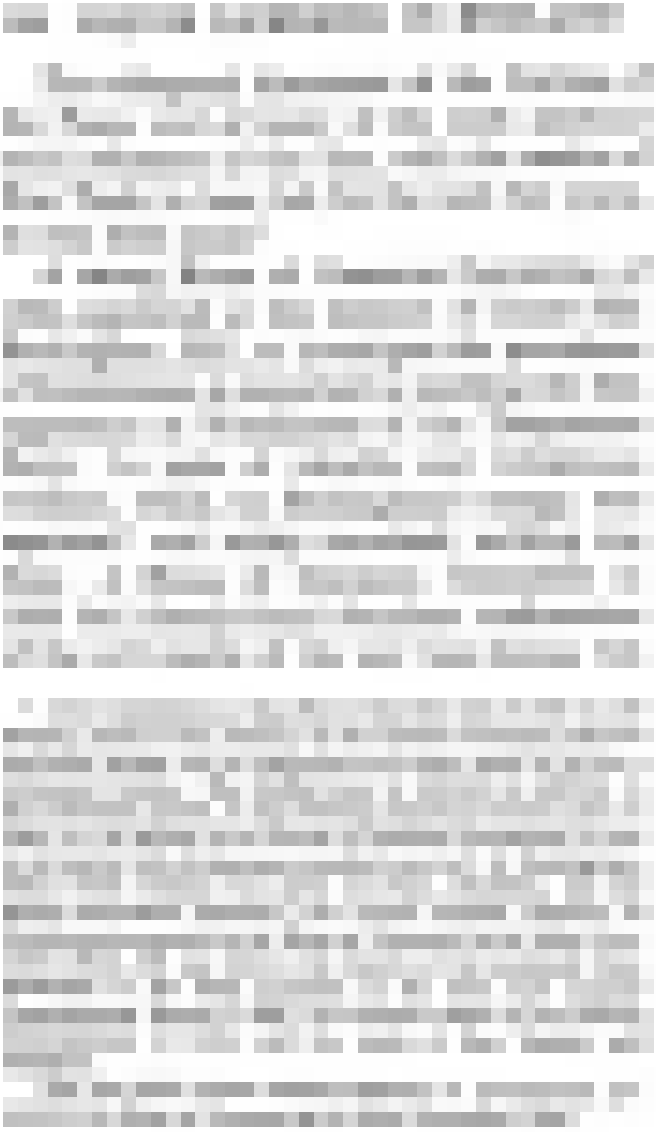
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The widespread discontent of the Justices of the Peace, and of many of the most practical social reformers of the day, with the results of Free Trade in beer, led, for the next few years, to very little result.[1]

A strong House of Commons Committee of 1834, appointed at the instance of James Silk Buckingham, M.P., to investigate the prevalence of drunkenness, is important as marking the first appearance at Westminster of the Temperance Party. In spite of valuable and voluminous evidence, which, by Buckingham's energy, was reprinted[2] and widely circulated, nothing was done. A House of Commons Committee in 1833 had already found abundant confirmation of the evil results of the new beer-houses, but

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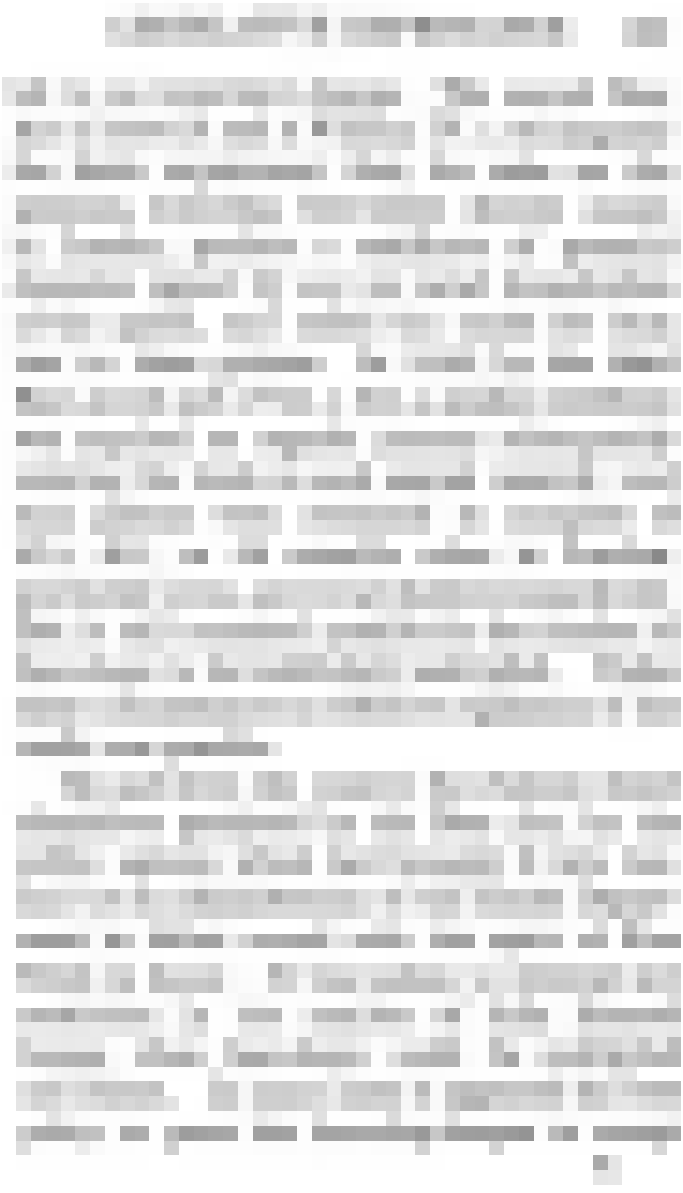
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a spirit licence, in order that his premises might come under some control.[1] On the whole, the tendency for the next two decades after 1830 seems to have been for the Justices to take up a purely ministerial attitude. Whatever control or authority there was to be exercised over the sale of liquor was left to the decision of Parliament, the Commissioners of Excise, and the metropolitan police. In particular, the regulation of the hours of closing, which, as we have seen, had always been decided by the Justices as a condition of their licence, now came to be entirely statutory,[2] taken up primarily as a matter of police. This legislation was gradual and experimental. "In 1839 a Police Act was passed for the Metropolis, which contained a clause closing public-houses from midnight on Saturday till one o'clock on Sunday afternoon.

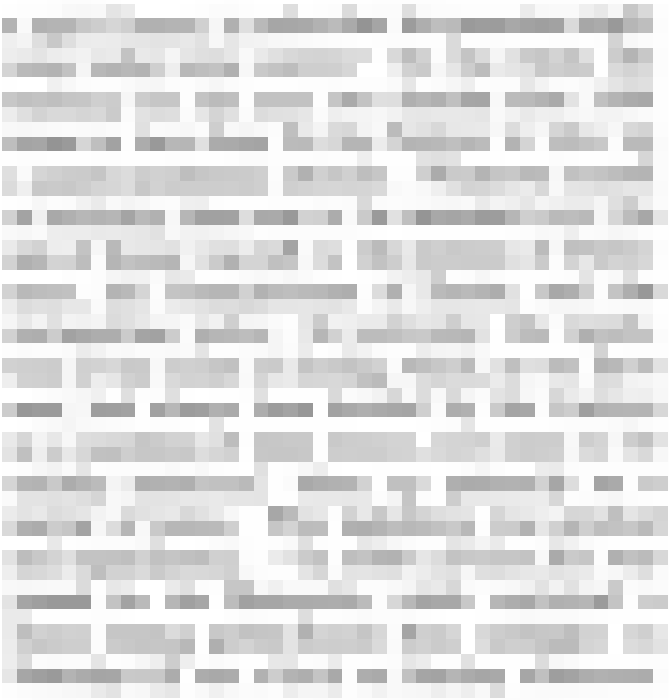
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[2] A clause in the 1830 Acts had prescribed the hours of closing for the new beer-shops, viz. from 10 P.M. to 4 A.M. every night, and from 10 to 1 and 3 to 5 on Sundays (11 George IV. and 1 William IV. c. 51 and c. 64). The Act of 1834 (sec. 6) gave the Justices power to regulate hours, but this was repealed in 1840 by 3 and 4 Vict. cap. 61, sec. 14) (see *The Licensing Acts*, by J. Paterson, 13th edition (1900), pp. 260, 271).





This provision was extended to Liverpool in 1842, to Manchester in 1845, to Newcastle-on-Tyne in 1846, and subsequently to Sheffield. In 1848 a Bill was passed covering the whole of England, where public-houses were closed from midnight on Saturday to 12.30 P.M. on Sunday, except in London and Liverpool, where the hour was 1 P.M." [1]

About the middle of the century we see the effect of the growing force of the temperance movement in the appointment of successive parliamentary committees, whose investigations confirmed the repeated complaints as to the evil results of the unlimited and uncontrolled beer-houses.[2] But the current in favour of Free Trade was still strong. In 1860, by the French Treaty Act, the Government could even establish, with much public approval, a new class of drinking-places, by its wine licence to refreshment houses, and a new source of family supply, by its off-licence for wine to grocers' and other retail shops.[3]

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The Act of 1869 seems to us to mark practically the first step in the path of legislative repentance. Down to this date, though the fully-licensed public-house was under the Justices, the retailers of table-beer only were, as we have already mentioned, neither enumerated nor inspected, neither licensed nor taxed, by any authority. The beer-shops, cider-shops, and wine-shops, whether for consumption on or off the premises, could open on payment merely of an excise fee. Henceforth, all these sellers of intoxicating drinks had to obtain the Justices' licence, though the discretion to refuse a renewal was limited in the case of then existing beer-shops to the well-known four grounds of refusal.[3] The privileged status thus given to

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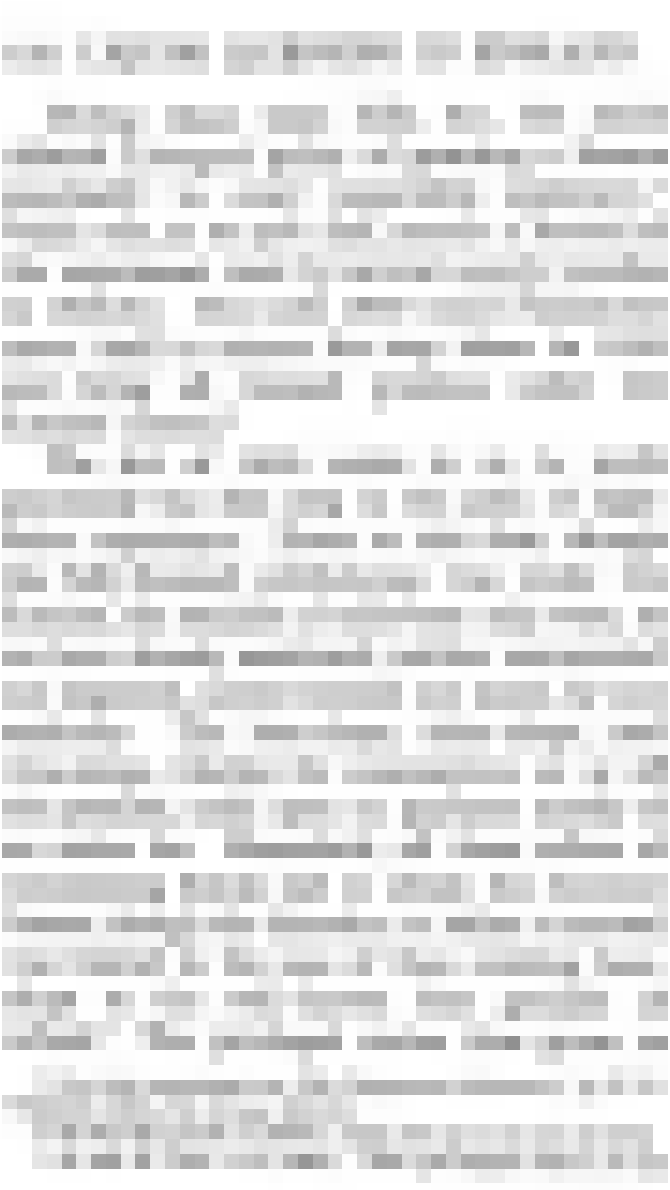
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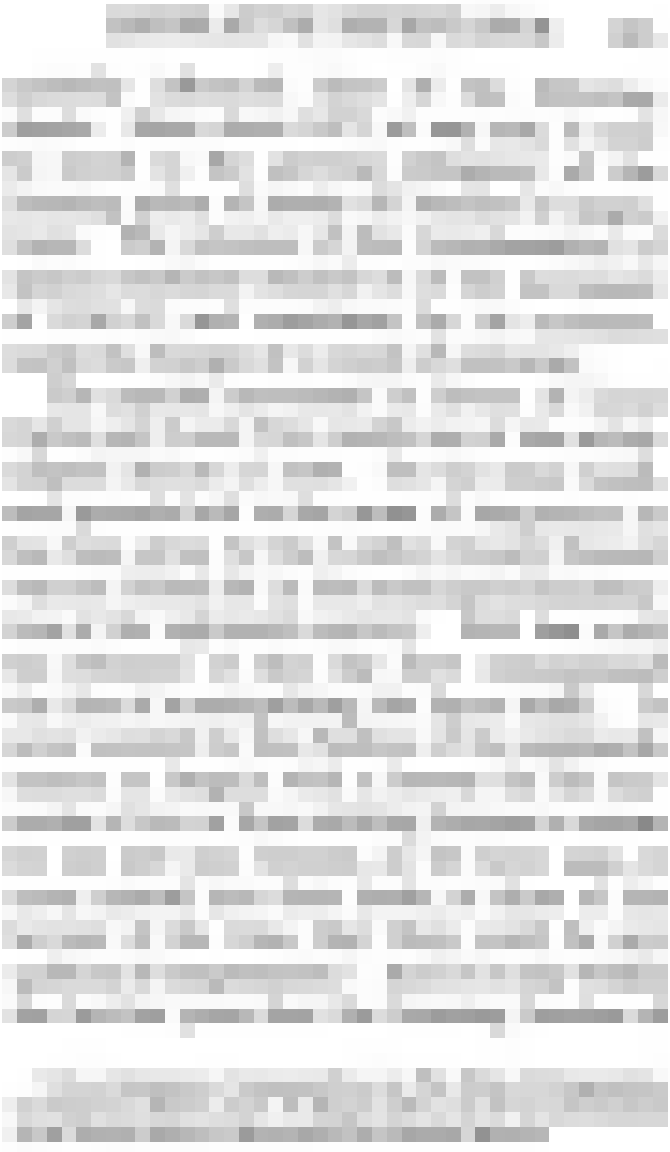
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The popular movement in favour of Local Option and Local Veto recalls one of the widely adopted devices of 1787. On the other hand, such powerful aid to the cause of temperance as has been given by the London County Council was not looked for in the municipal administration of the eighteenth century. Still less could the reformers of that day have contemplated the idea of municipalising the liquor traffic. It never occurred to the Justices of the eighteenth century to bargain with a brewer for the surrender of two or three existing licences in return for one new one, because, as we have seen, it never entered into their heads, or those of the lawyers of the time, that there could be any question of compensation.[1] And it is only within the last few years that the licensing benches of

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It is interesting to notice that, whereas in the middle of the nineteenth century the tendency seemed to be to take the licensing and regulation of the liquor traffic out of the hands of the local authorities, and to make it as exclusively part of the national administration as are the Factories and Workshops Acts, the tendency of the last quarter of a century has been to restore it to the sphere of Local Government.

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APPENDIX

THE MOVEMENT FOR THE REFORMATION OF MANNERS

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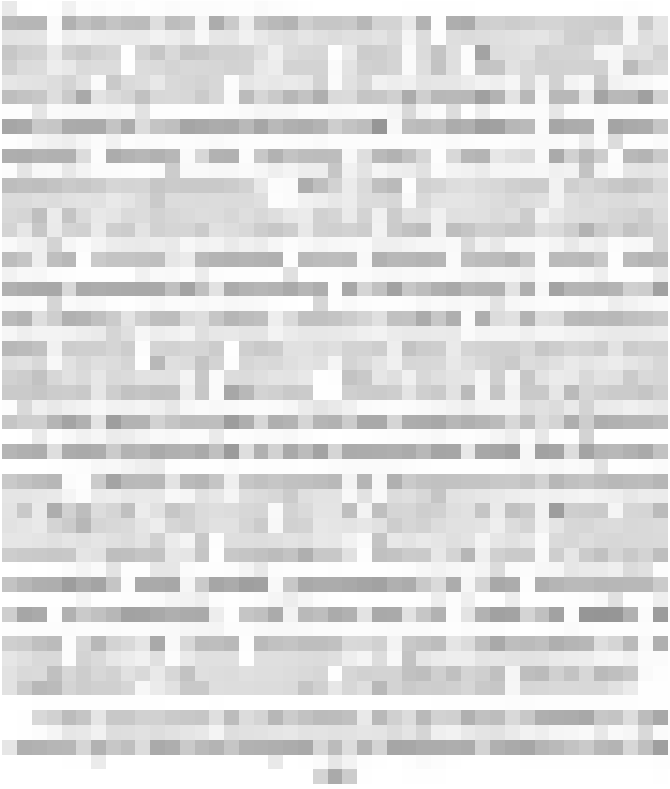
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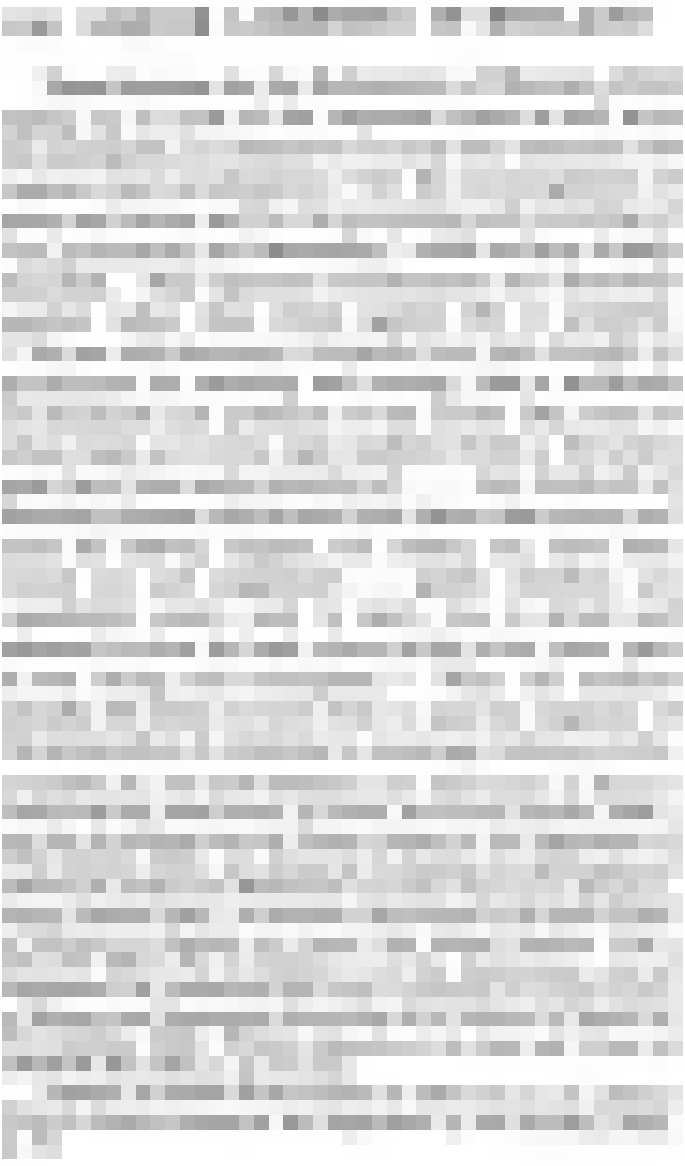
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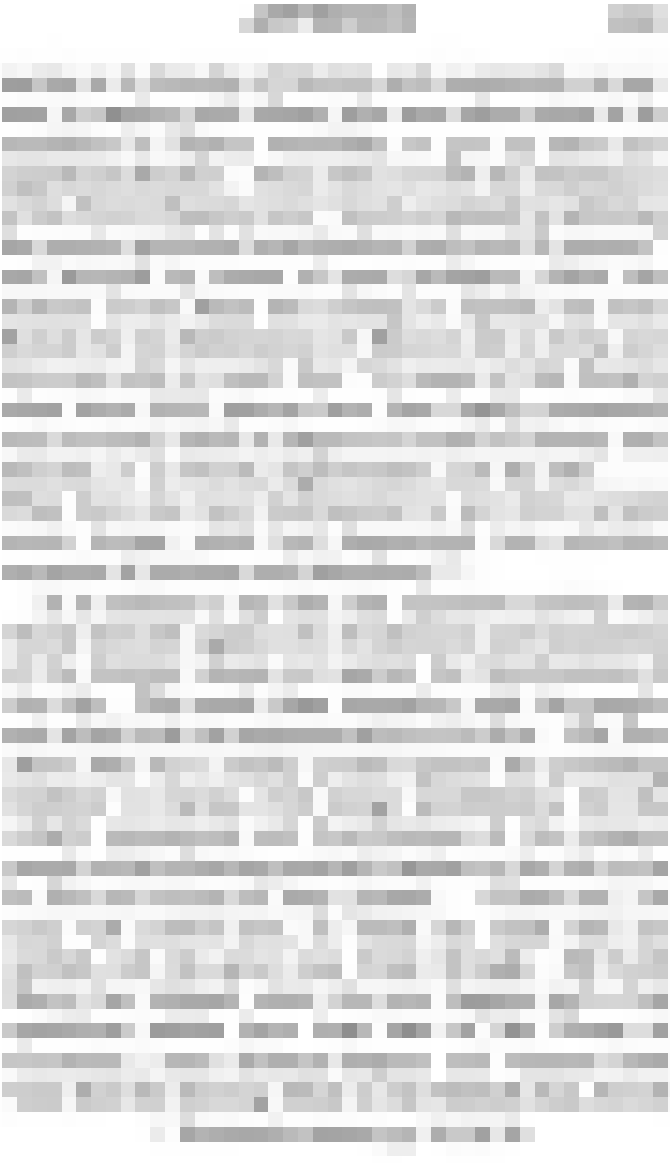
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In 1786 begins a new outburst of an analogous voluntary association of much broader type. We trace this to the influence of the Rev. H. Zouch, a Yorkshire Justice of the Peace of great energy and ability.[2] The rapid growth of a new manufacturing population in the West Riding had brought about an obvious breakdown of the primitive organisation of local constabulary. To quote the panic-stricken utterances of the principal newspaper of the neighbourhood, "The overflowings of vice and immorality, the vast increase of crimes, and the precarious situation of property, are such as to call aloud for the exertion of every individual who has either the good of his country,

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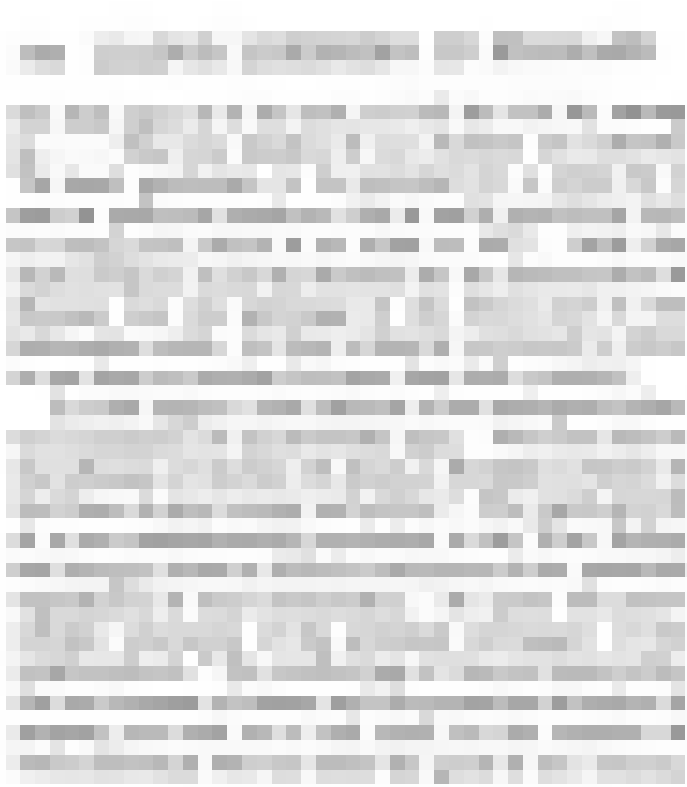
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[2] The Rev. Henry Zouch, Rector of Swillington and Tankersley, and chaplain to the Marchioness of Rockingham, was for many years the most active and influential of the West Riding Justices. His pamphlet, *Hints respecting the Public Police* (London, 1786), marked by good sense and ability, seems to have had a wide circulation. He was deputed to go to London in 1790, to confer with the Proclamation Society as to means of improving the police (*Leeds Intelligencer*, 21st July 1789). On his death in 1795, it was said that "he displayed an accurate and comprehensive knowledge of the laws of England, an unbiassed integrity in the administration of justice, and a most condescending attention to the complaints of the lower classes of society" (*Leeds Intelligencer*, 29th June 1795).





or the safety of his own person or property at heart."[1] Zouch published a pamphlet entitled *Hints respecting the Public Police*, and brought such pressure to bear on his fellow-magistrates that Quarter Sessions, in April 1786, "earnestly recommended to the principal inhabitants of all places to agree in uniting together under certain rules and regulations for the better purpose of detecting felons, cheats, vagrants, night-walkers, and night-poachers, pawnbrokers who are often guilty of malpractices, and particularly in receiving stolen goods knowing them to be such, sellers by false weights and measures, persons adulterating or improperly mixing meal, flour, etc., and, in short, all those who are in any way guilty of a breach of the law."[2] The Justices on the same occasion resolved to withhold licences from all public-houses offending against the law, and to organise privy searches for vagrants in their respective districts.[3] The movement became one for a general vigilance in every branch of local administration. At a subsequent meeting, the Justices required all constables "as soon as may be, to call a meeting of the inhabitants within their respective districts, and to represent to them the necessity there is for all honest men to form themselves into committees, or otherwise to associate themselves as well in aid of the civil magistrate, as to superintend and regulate all parochial matters, more especially relative to the poor and the highways, where the overseers appointed are incapable or are negligent in the discharge of their duty."[4]

[1] *Leeds Intelligencer*, 26th September 1786.

[2] Quarter Sessions, West Riding of Yorkshire, 24th April 1786 (*Leeds Intelligencer*, 16th May 1786).

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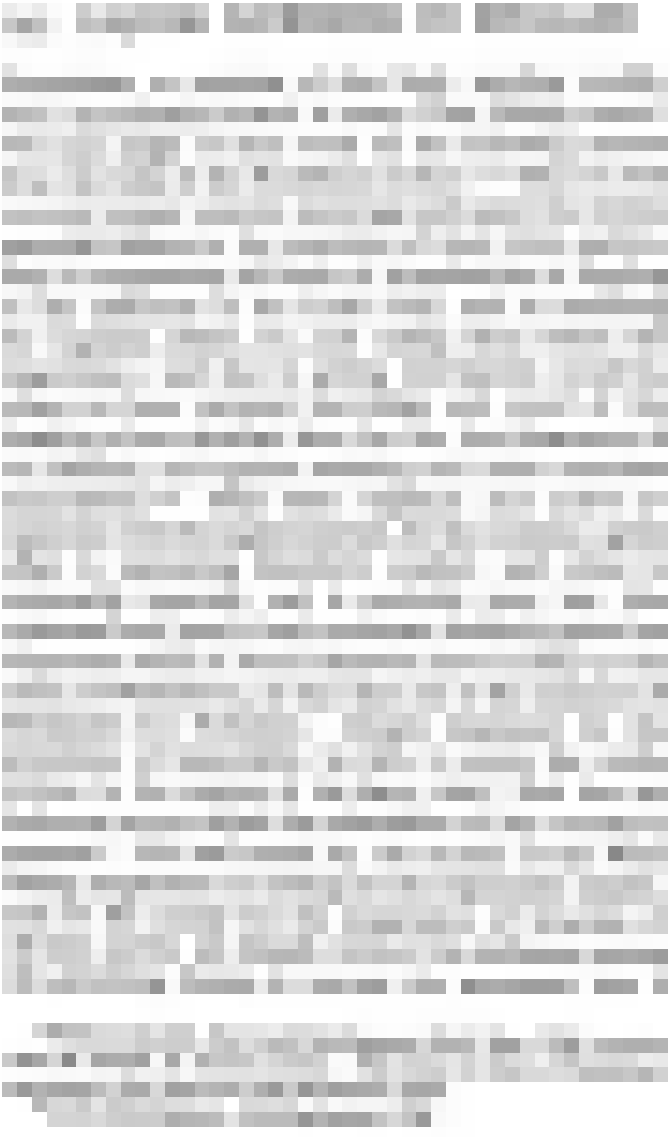
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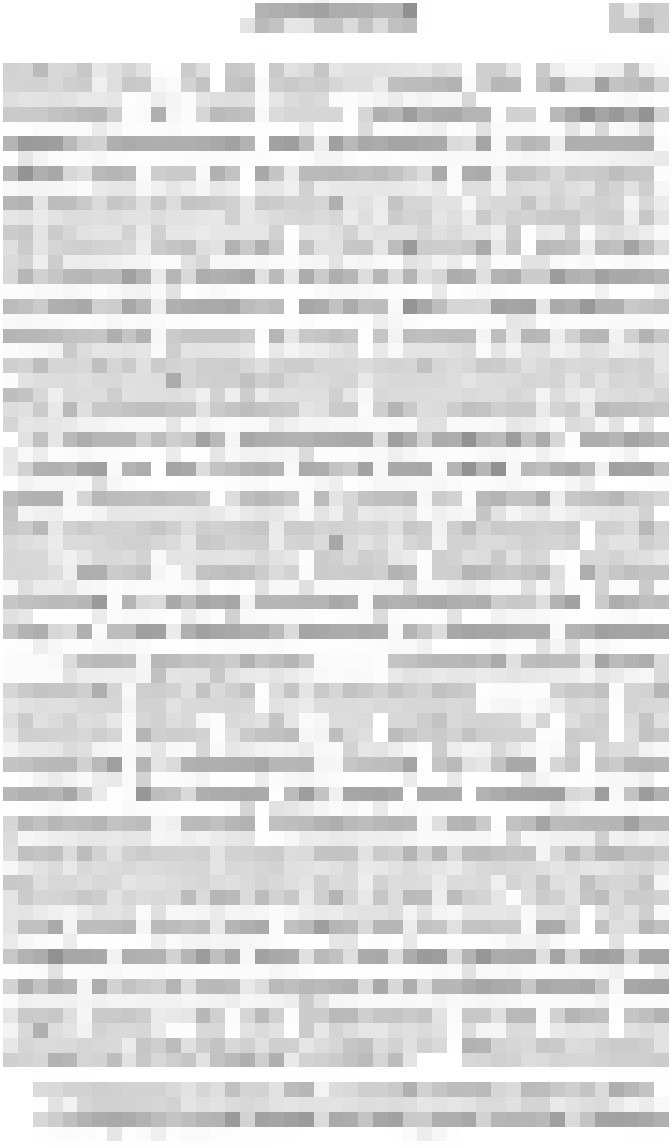
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Words of the Act :—No drover, horse courier, waggoner, butcher, higgler, or their servants shall travel on a Sunday.

Ordered that the above be prevented so far as relates to carriages, punishments 21s. ; and for default, stocks two hours.

No fruit, herbs, or goods of any kind shall be cried or exposed to sale on a Sunday. *N.B.*—Goods forfeited.

No shoemaker shall expose to sale upon a Sunday any boots, shoes, or slippers,—3s. 4d. per pair, and the value forfeited.

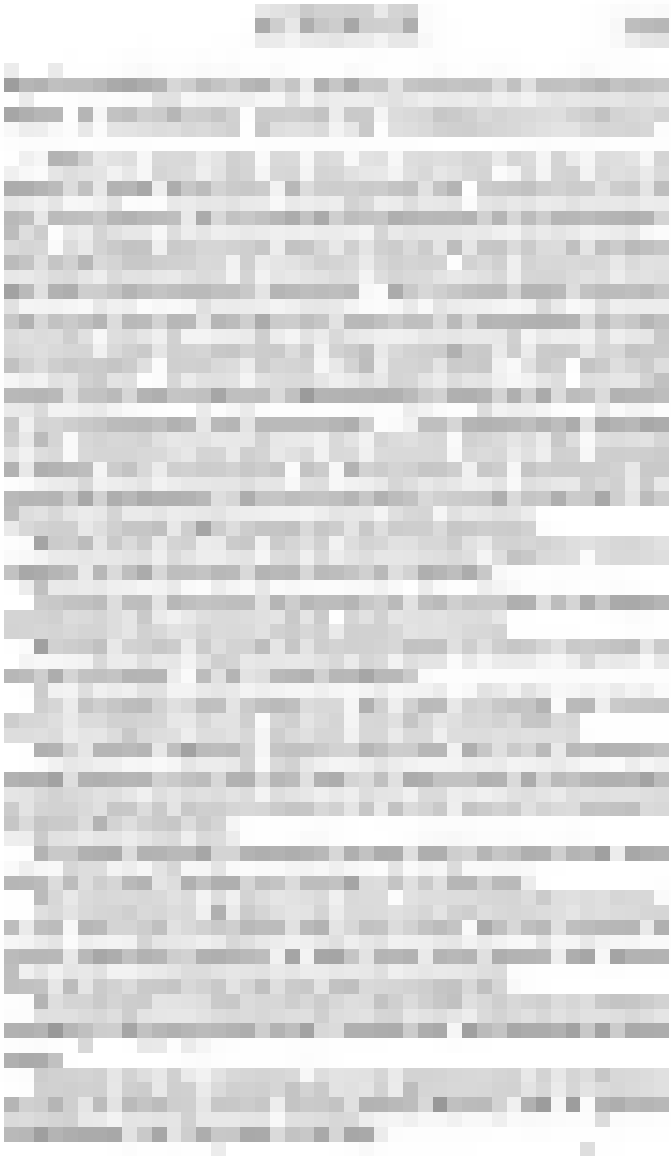
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No person without a reasonable excuse shall be absent from some place of Divine Worship on a Sunday—1s. to the poor.

The constables to go about the town, and particularly the Cross, to see that this is complied with, and if they find any number of people assembled together, to take down their names, and return them to the committee that they may be prosecuted.

No innkeeper or alehouse-keeper shall suffer any one to continue drinking or tippling in his house.—Forfeit 10s. and disabled for three years.

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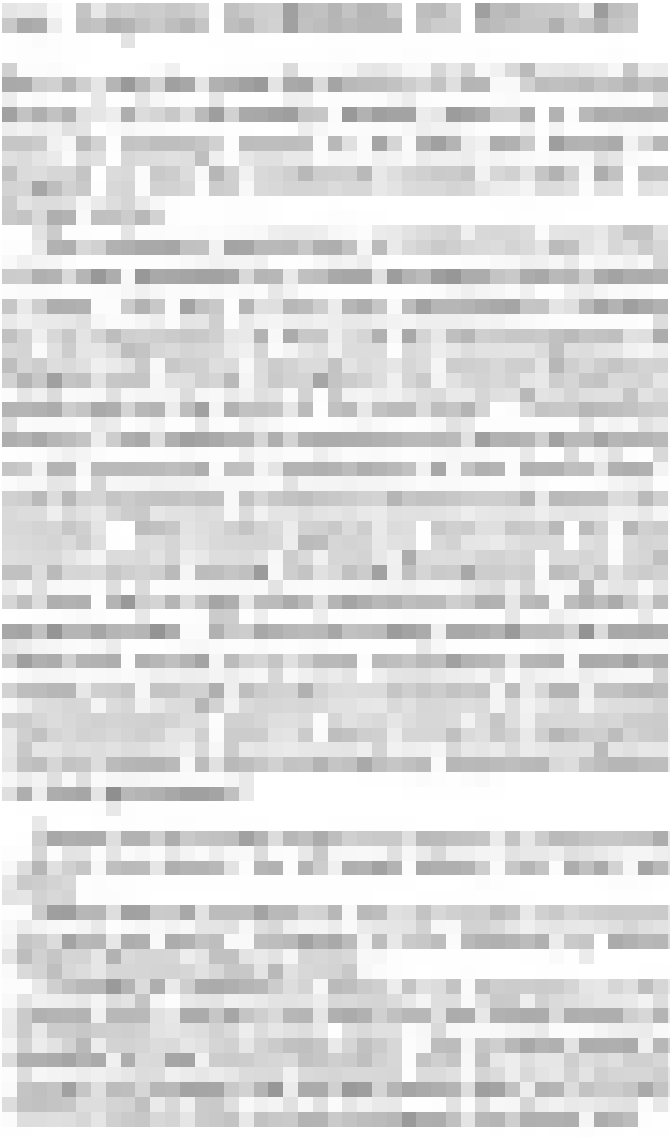
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The voluntary associations of 1690-1710 and 1786-1795 were succeeded by a third movement which started in 1802. We find, in that year, established a "Society for the Suppression of Vice and the Encouragement of Religion and Virtue throughout the United Kingdom," which took up the work of the moribund "Proclamation Society," but confined its operations still more exclusively to the prevention of "profanation of the Lord's Day" and the suppression of indecent literature and sexual immorality. This society appears to have found its supporters entirely among the rising Evangelical party, and to have had no very close connection with the official or governing class. We have but scanty records of its work, which was carried on by three committees, each meeting weekly, but though branches or imitations of this society long continued to exist in many towns, the organisation does not appear to have exercised any important influence on local government.[1]

Persons who sell by false weights and measures in market towns —6s. 8d. first offence; 13s. 4d. second offence; 20s. third, and pillory.

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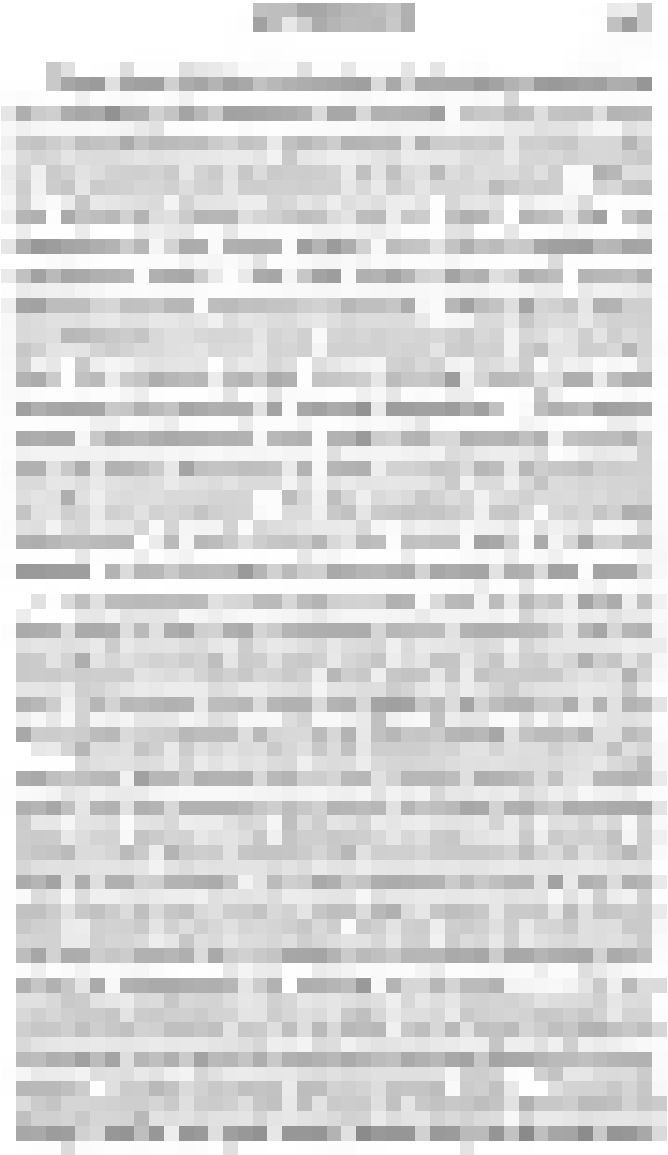
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[1] "A journeyman," it was said in 1749, "can no more afford to throw away his time than a tradesman can his commodity; and the best way of preventing this useful body of men from this species of extravagance is to remove from their sight all temptation to idleness" (*An Account of the Origin and Effects of the Police set on Foot by the Duke of Newcastle on a Plan of Henry Fielding*, London, 1758).

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which checked production and increased the poor rate. All three motives pointed, as it happened, to one main device, the adoption of which was accordingly always attempted. What seemed to be required was to suppress the opportunities for the idleness, drinking, and licentiousness of the common people. This meant the suppression, wherever possible, of the old fairs and village festivals, a reduction in the number of alehouses[1] and the prohibition of all games and amusements in them,[2] and as strict a limitation as possible of musical and theatrical performances. Each outburst of zeal for the reformation of manners was accordingly marked, as De Foe complained, by attempts to put down popular amusements. This is specially characteristic of the movement of 1786-95. "In London and other large towns," urges one thoughtful critic in 1787, "diversions calculated to slacken the industry of the useful hands are innumerable; *to lessen, therefore, the number of these is the business of the magistrate.*"[3]

members of the society, which by such means will lose the benefit of their labour" (*Charge to the Grand Jury of Westminster*, June 1749, by Henry Fielding (London, 1749), p. 161).

[1] "These little pot-houses, it is a known fact, are the rendezvous of these nocturnal villains, where they plan their depredations, and where not infrequently they divide their spoil. The landlord connives at their malpractices—it is his interest so to do—perhaps his daily bread depends upon it—perhaps he is connected with them" (*Leeds Intelligencer*, 25th April 1786). "There are villages in remote country places which can date the commencement of their poor rates from the introduction of a public-house" (*Bristol Journal*, 19th January 1788).

[2] "Amongst the number of diversions that call for redress are those carried on in public-houses, such as cards, dice, draughts, shuffle-boards, billiards, and skittles. These are the places that rob the journeymen and labourers of their time, their little property, and their less morals" (*Bristol Journal*, 18th August 1787).

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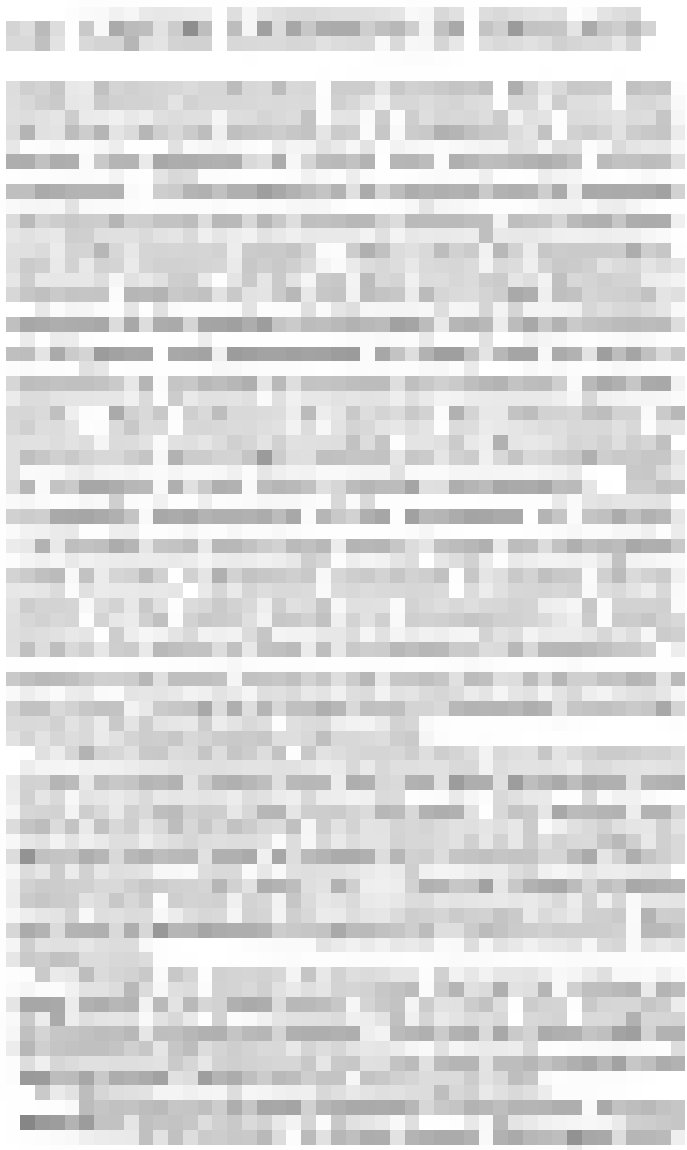
which checked production and increased the poor rate. All three motives pointed, as it happened, to one main device, the adoption of which was accordingly always attempted. What seemed to be required was to suppress the opportunities for the idleness, drinking, and licentiousness of the common people. This meant the suppression, wherever possible, of the old fairs and village festivals, a reduction in the number of alehouses[1] and the prohibition of all games and amusements in them,[2] and as strict a limitation as possible of musical and theatrical performances. Each outburst of zeal for the reformation of manners was accordingly marked, as De Foe complained, by attempts to put down popular amusements. This is specially characteristic of the movement of 1786-95. "In London and other large towns," urges one thoughtful critic in 1787, "diversions calculated to slacken the industry of the useful hands are innumerable; *to lessen, therefore, the number of these is the business of the magistrate.*"[3]

members of the society, which by such means will lose the benefit of their labour" (*Charge to the Grand Jury of Westminster*, June 1749, by Henry Fielding (London, 1749), p. 161).

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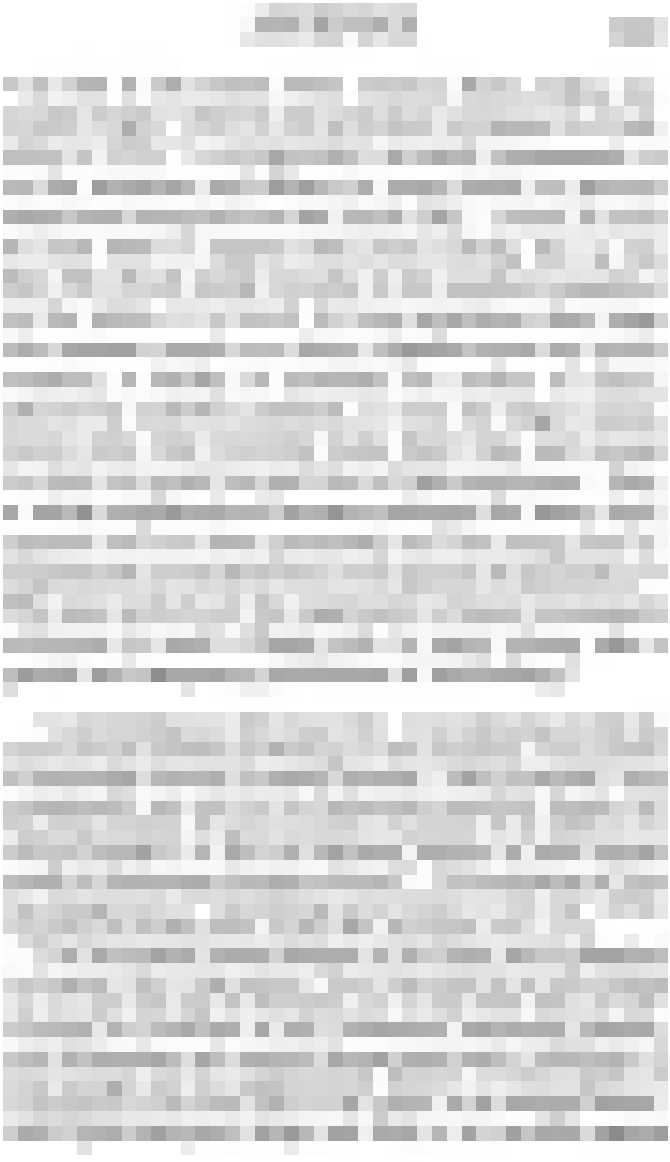
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"As this is the season when country feasts, wakes, etc. usually begin," observes the principal newspaper in Yorkshire in 1786, "a correspondent earnestly recommends it to the ministers and officers in every parish to prevent them from being held on the Lord's Day. *Indeed, it would be much better to suppress these feasts entirely*, for, as the Rev. Mr. Zouch justly remarks in his excellent pamphlet on the police, it is found by long experience that, when the common people are drawn together upon any public occasion, a variety of mischiefs are certain to ensue; allured by unlawful pastimes, or even by vulgar amusements only, they wantonly waste their time and money to their own great loss and that of their employers. Nay, a whole neighbourhood becomes unhinged for many days, quarrels are too often promoted, and the young and inexperienced are initiated into every species of immorality."[1] The same period saw the suppression of many unnecessary alehouses in small villages, and, in many places, also a partial and temporary prohibition of bull-baiting.[2]

[1] *Leeds Intelligencer*, 20th June 1786. It is interesting to find the zealous Zouch specially reprobating, in this connection, "the practice of performing oratorios in country churches," which he thinks "very exceptionable, not only by the indecencies committed therein, but by giving occasion for great numbers of persons of all kinds to be brought together, so that the adjoining villages do often become scenes of drunkenness, disorder, and riot." The Archbishop of York has disapproved of "introducing sacred music in this way" (*Hints respecting the Public Police*, by the Rev. H. Zouch, J.P., p. 7).

[2] At the General Quarter Sessions of the Peace, held at Stamford in October 1789, it was ordered "that there shall be no bull-running on the said 13th day of November, nor at any other time, as bull-runnings are productive of vice, profaneness, immorality, disorder, riot, drunkenness, and mischief among many people, inhabitants of this borough and the neighbourhood thereof; of every species of inhumanity in the lower order of the people to an unhappy animal; and of great annoyance, danger, and delay to all travellers passing



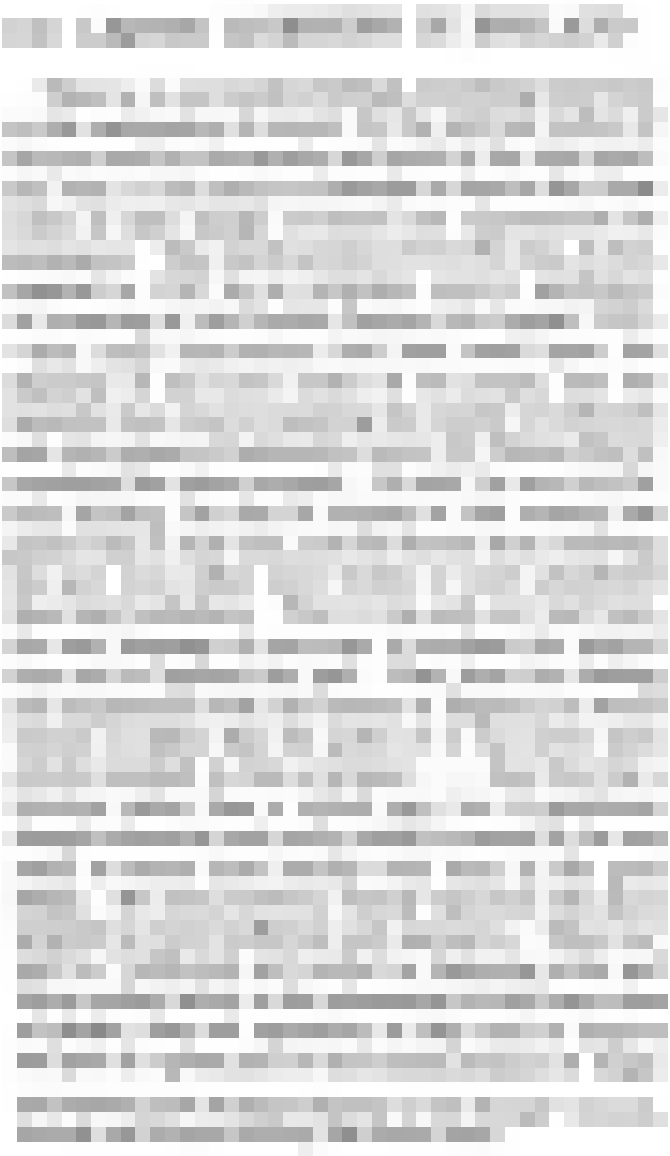
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There is, to our modern feelings, something unsavoury in this combination of concern for the spiritual welfare of the poor and for the security and profit of the rich, especially when it led merely to attempts to deprive the lower orders of their margin of leisure and opportunities for amusement. The sturdy protest of De Foe was, in fact, repeated in 1787 by an outspoken country gentleman. At a meeting of the Norfolk Justices (4th August 1787), "after many observations had been made upon the depravity of the lower orders of the people, and the necessity there was for lessening the number of alehouses and other places of fashionable resort, Sir Thomas Beevor reprobated the plans proposed. He said 'he was very far from thinking the sum of iniquity in this country was greater than it had been, and still further from believing the poor were either more vicious or more abandoned than their forefathers. That it was, and ever had been, the cant language of every age to condemn the present time and to applaud the past. That, from his reading and acquaintance with the history of England, he would venture to affirm that the police of it was never more strictly attended to than at present . . . that this was a frivolous rather than a wicked age; but if gentlemen thought otherwise, and really wished to amend it, he was ready to concur most heartily with them in the good design. He must, however, warmly reprobate the plans proposed as both ineffectual and oppressive. They are,' said he, 'ineffectual and partial as beginning with, and being confined solely to the reformation of the lower class of people; they are oppressive, as they tend to deprive the poor of a great part of that scanty pittance of happi-

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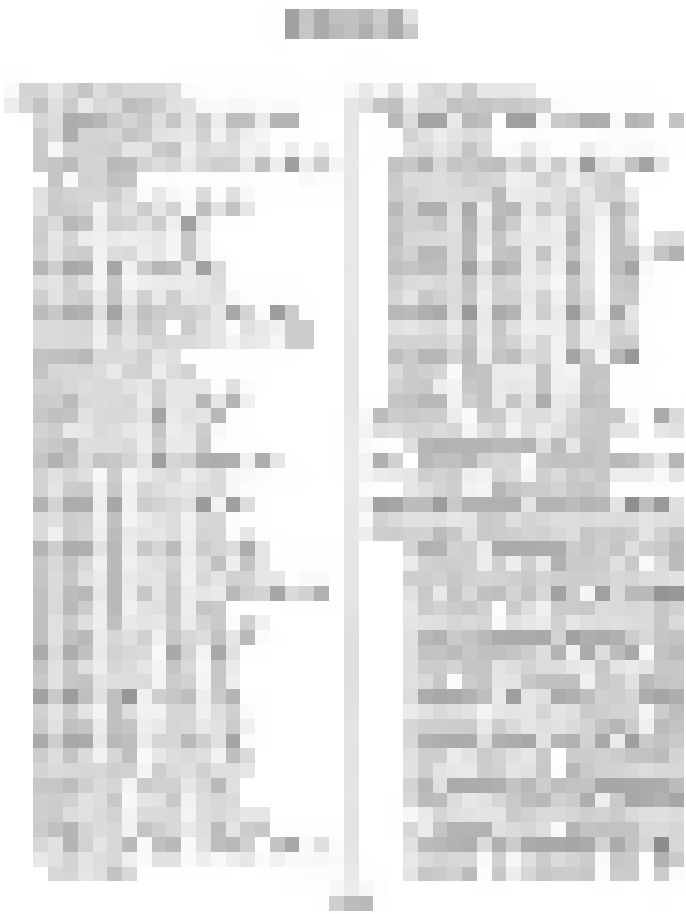
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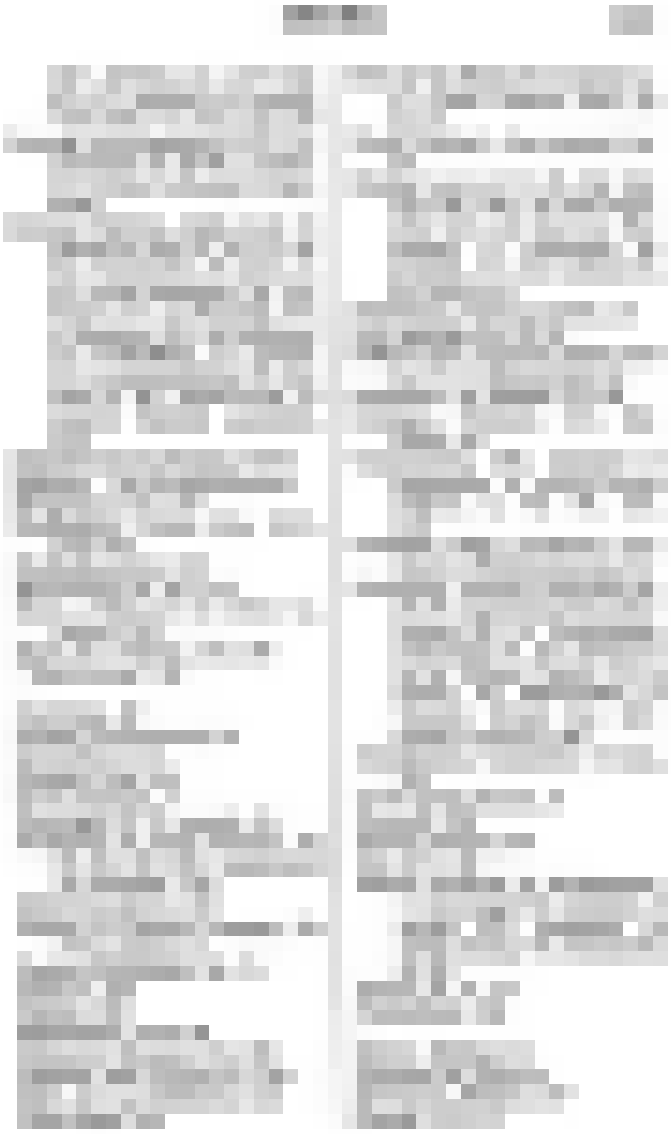
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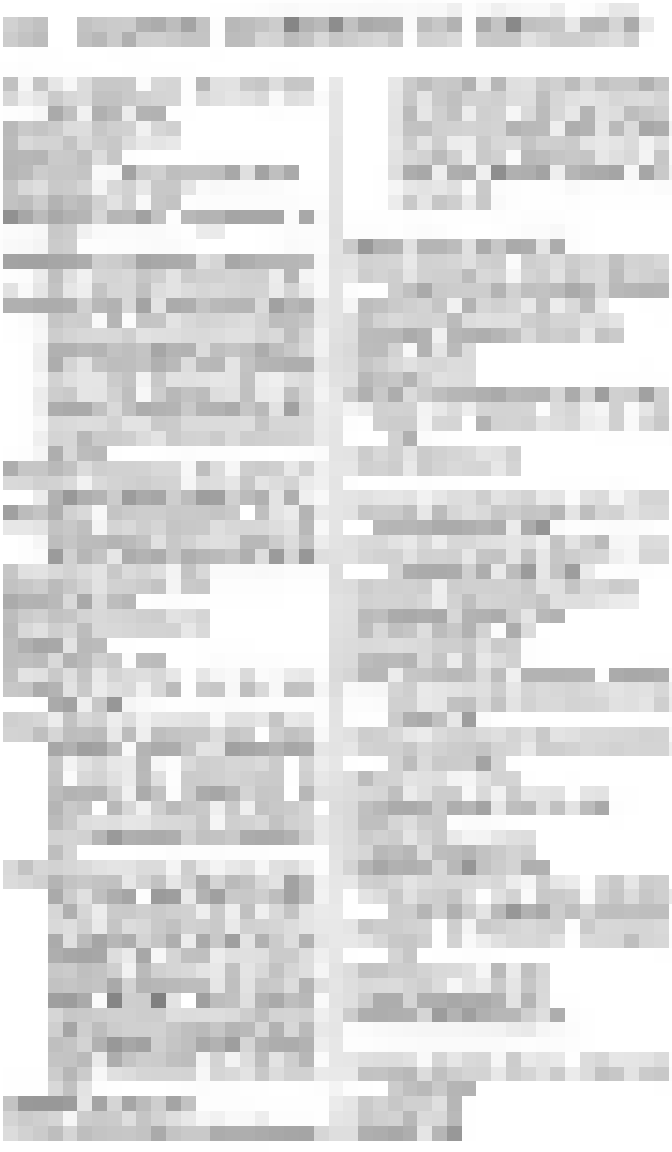


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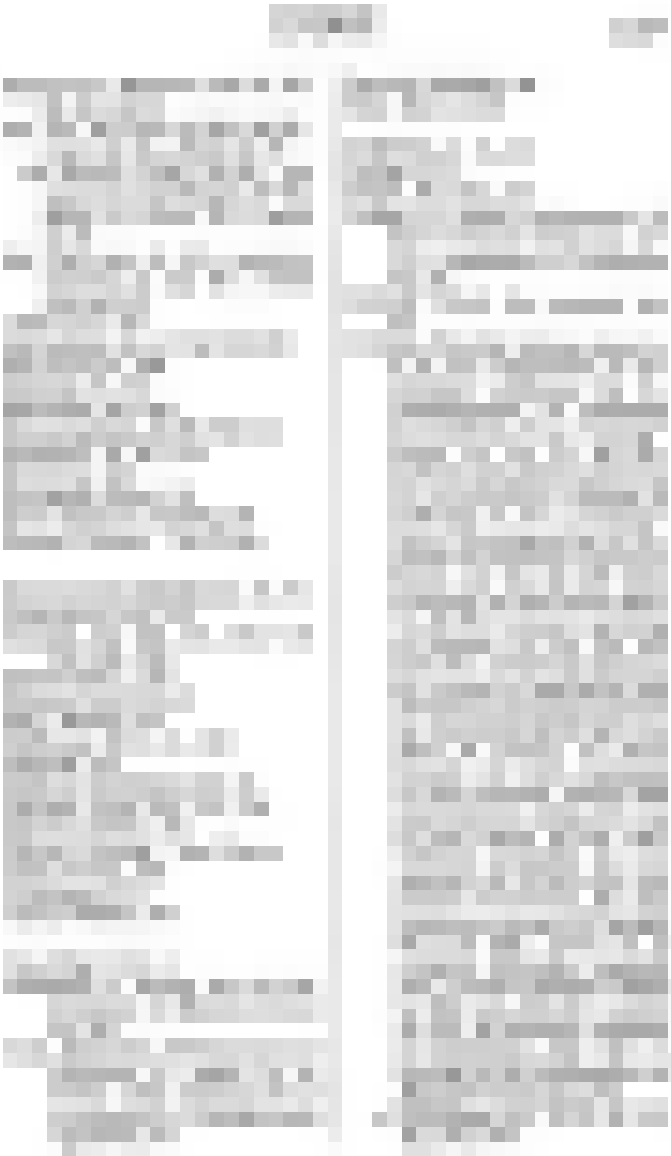
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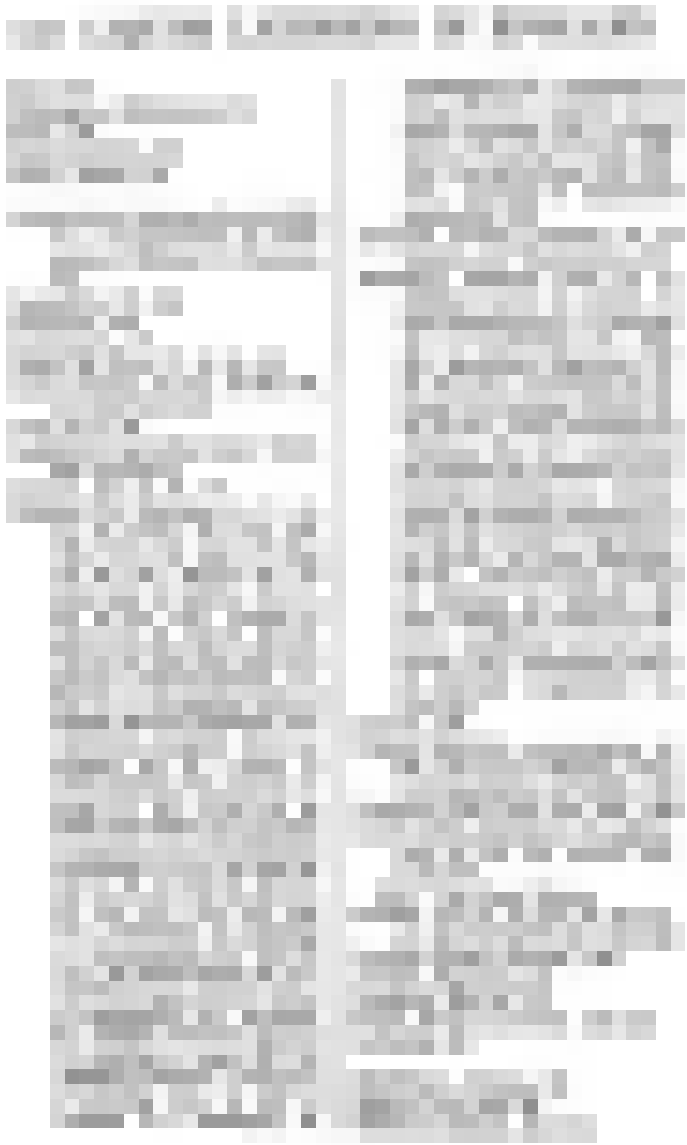
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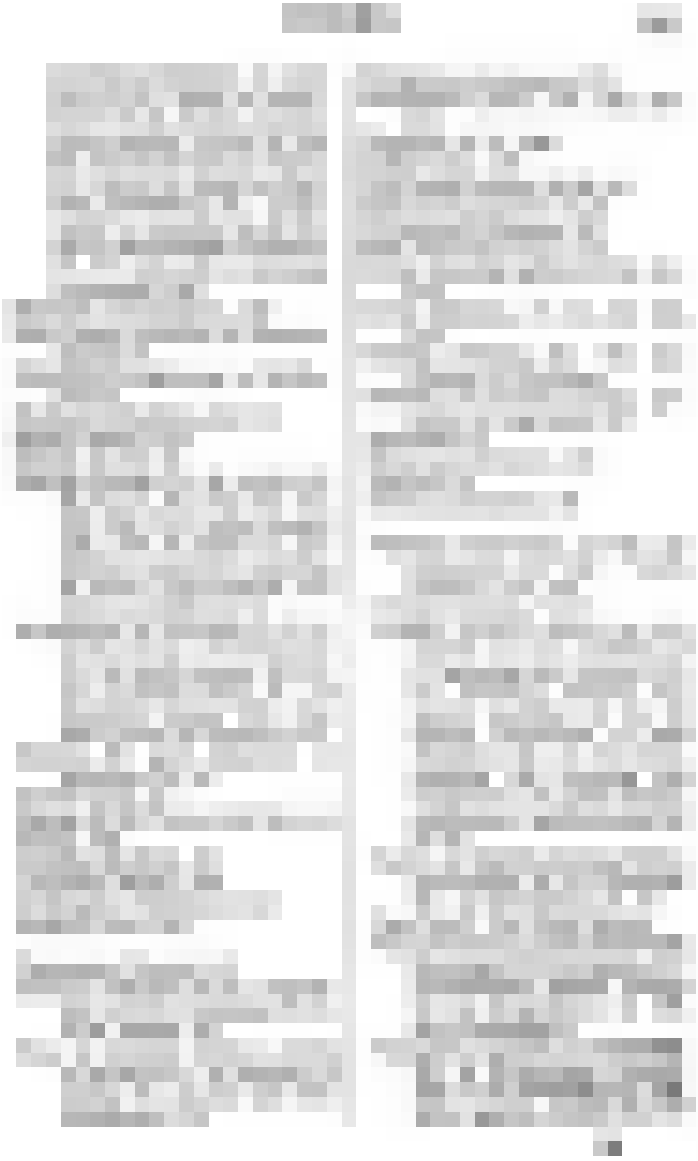
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